

**IN THE UNITED STATES DISTRICT COURT FOR  
THE EASTERN DISTRICT OF PENNSYLVANIA**

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BENTLEY A. HOLLANDER 220 West Rittenhouse Square Apt. 18B Philadelphia, PA 19103	: : : : Plaintiff/Relator, v.	CIVIL ACTION : No. _____ : : Defendant. :
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Plaintiff/Relator, Bentley Hollander (“Hollander”), by his undersigned counsel and for his Complaint against Defendant Timex Group USA, Inc. (“Timex”), avers as follows:

**NATURE OF ACTION**

1. This is an action for false patent marking under Title 35, Section 292, of the United States Code.
2. As set forth in detail below, Timex has violated 35 U.S.C. § 292(a) by, *inter alia*, falsely marking millions of articles with expired patents, as well as using these expired patents in advertising in connection with such articles, all for the purpose of deceiving the public into believing that such articles are covered by this expired patent.
3. Hollander seeks the imposition of a fine against Timex, one half of which shall be for the use of the United States of America, and the other half of which shall go to Hollander pursuant to 35 U.S.C. § 292(b).

**THE PARTIES**

4. Hollander is an adult individual who resides at 220 West Rittenhouse Square, Apartment 18B, Philadelphia, Pennsylvania 19103.

5. Defendant Timex is a Delaware corporation with its principal place of business located at 555 Christian Road, Middlebury, Connecticut 06762.

**JURISDICTION AND VENUE**

6. This Court has subject matter jurisdiction over the present action pursuant to 28 U.S.C. §§ 1331 and 1338(a).

7. Venue is proper in the Eastern District of Pennsylvania pursuant to 28 U.S.C. §§ 1391(c) and 1395(a), because Timex has conducted and continues to conduct business in this judicial district through, *inter alia*, the sale of products which are the subject matter of this Complaint to consumers throughout this judicial district.

8. Hollander has standing to bring this action as plaintiff under 35 U.S.C. § 292(b), which provides that “any person” may sue for civil monetary penalties for false patent marking.

**FACTUAL BACKGROUND****I. Timex’s Operations**

9. Timex (formerly known as Timex Corporation) is a privately held Delaware corporation engaged in the design, manufacture, and marketing of timepieces and jewelry globally.

10. Timex's product portfolio includes watches manufactured under several brands: GC, Guess, Marc Ecko, Nautica, Opex, Salvatorre Ferragamo Timepieces, Timex, TX, Valentino Timeless, Versace, Versus and Vincent Bérard.

11. Upon information and belief, Timex manufactures and sells (or causes to be manufactured and sold) millions of units of its watches in the United States, including within this judicial district, every year.

12. Upon information and belief, Timex is the largest-selling watchbrand in the United States, distributing its timepieces through more than 100,000 retail outlets throughout the country, including within this judicial district.

13. Timex's annual revenues, which derive primarily from the sale of watches, are estimated at about \$700 million.

14. Timex is a highly sophisticated business entity with extensive experience in the procurement, acquisition, and litigation of patents in the United States.

15. According to the assignment records of the U.S. Patent and Trademark Office, Timex is the assignee of record of hundreds of patents and patent applications.

## II. Timex's Indiglo Patents

16. In 1992, Timex introduced the Indiglo® watch that glowed at the push of a button.

17. The Indiglo® watch had an electroluminescent dial made of zinc sulfide and copper that other companies had used on clocks, though Timex was the first to adapt it to wristwatches.

18. Indiglo® electroluminescence has been used by Timex or its licensees for other devices such as clock radios, electronic personal organizers, and nightlights.

19. On its corporate website, Timex describes Indiglo® as “[a] patented lighting system that uniformly illuminates the entire watch dial for ease in telling time in low light conditions. Timex’s Indiglo lighting system is based on electroluminescence – a phenomenon associated with certain materials which convert electrical excitation into visible light.”

20. Timex is the most recent assignee of record for several patents directed to electroluminescent technology including the following:

- U.S. Patent No. 4,527,096, entitled “DRIVE CIRCUIT FOR CAPACITIVE ELECTROLUMINESCENT PANELS” (filed on February 8, 1984; issued on July 2, 1985) (“the ’096 Patent,” a true and correct copy of which is attached hereto as Exhibit “A”);
- U.S. Patent No. 4,775,964, entitled “ELECTROLUMINESCENT DIAL FOR AN ANALOG WATCH AND PROCESS FOR MAKING IT” (filed on January 11, 1988; issued on October 4, 1988) (“the ’964 Patent,” a true and correct copy of which is attached hereto as Exhibit “B”); and
- U.S. Patent No. 4,912,688, entitled “AUTOMATIC DISPLAY ILLUMINATION FOR A MULTIMODE WRISTWATCH” (filed on August 11, 1989; issued on March 27, 1990) (“the ’688 Patent,” a true and correct copy of which is attached hereto as Exhibit “C”).

21. Since 1992 and continuing through to the present, Timex has marked, or caused to be marked, millions of products with one or more of the '096 Patent, the '964 Patent, and the '688 Patent.

21. Timex knows or reasonably should know of the requirements and provisions of 35 U.S.C. § 292.

22. Timex knows or reasonably should know that the purpose of marking a product with a patent number is to put competitors and the public at large on notice of exclusive and legally enforceable rights with respect to that product.

23. Timex knows or reasonably should know that all patents, including the the '096 Patent, the '964 Patent, and the '688 Patent, have a limited duration.

24. The '096 Patent expired on February 4, 2004.

25. The '964 Patent expired on January 11, 2008.

26. The '688 Patent expired on August 11, 2009.

### **III. Timex's False Marking of Patent 4,527,096**

27. Notwithstanding the fact that the '096 Patent expired on February 4, 2004, Timex has marked or has caused to be marked, and currently marks or causes to be marked, several dozen different products with the '096 Patent that it has sold and continues to sell to the general consuming public throughout the United States, including in this judicial district.

28. Since February 4, 2004, Timex has marked or caused to be marked, and continues to mark or causes to be marked, the '096 Patent on at least the following products directly or on the instructional and/or promotional materials thereof:

- a. 1440 Sports
- b. Adventure Tech Digital Compass
- c. Analog Chronograph
- d. Atlantis 100
- e. Aviator Combo
- f. Bodylink: Full-Size
- g. Bodylink: Mid-Size
- h. Bodylink: Trail-Runner
- i. Camper Manual
- j. Chrono/Alarm/Timer
- k. Classic Analog
- l. Data Link USB
- m. Digital Compass
- n. Digital-Analog Combo
- o. Dive Casual
- p. Dive Performance
- q. Dive Chronograph
- r. Easy Trainer HRM
- s. E-Compass
- t. E-Tide Temp
- u. E-Tide Temp Compass
- v. Expedition
- w. Handheld Stopwatch
- x. Humvee
- y. iControl
- z. Iron Kids
- aa. Ironman Combo (large digital display)
- bb. Ironman Dress Chronograph
- cc. Ironman Triathlon 100-Lap
- dd. Ironman Triathlon 10-Lap
- ee. Ironman Triathlon 150-Lap Sleek
- ff. Ironman Triathlon 30-Lap
- gg. Ironman Triathlon 30-Lap w/ FLIX
- hh. Ironman Triathlon 50-Lap
- ii. Ironman Triathlon 50-Lap Sleek
- jj. Ironman Triathlon 50-Lap Solar Dual-Tech
- kk. Ironman Triathlon 50-Lap Solar Shock
- ll. Ironman Triathlon 75-Lap Sleek (OVA)
- mm. Ironman Triathlon 8-Lap
- nn. Marathon

oo. Perpetual Calendar  
pp. Personal Trainer HRM  
qq. Pulse Timing Analog  
rr. Race Trainer HRM  
ss. Reef Gear  
tt. Road Trainer HRM  
uu. Rugged Field and Trail Series Analog  
vv. Rugged Field and Trail Series Chronograph  
ww. Stealth  
xx. Target Trainer HRM  
yy. Time Teacher Analog  
zz. Timex Kids Analog  
aaa. Timex Kids Digital  
bbb. TMX  
ccc. Women's Field  
ddd. Zone Trainer HRM  
eee. Zulu Time

29. Upon information and belief, since February 4, 2004, Timex has manufactured and sold, or has caused to be manufactured and sold, millions of articles marked with the '096 Patent throughout the United States, including within this judicial district.

30. None of Timex's products marked with the '096 Patent since February 4, 2004, have been covered by the '096 Patent.

31. Since February 4, 2004, Timex could not have had any reasonable belief that the products it marked and continues to mark with the '096 Patent were covered by the '096 Patent.

32. Upon information and belief, Timex knew or reasonably should have known that the products it marked and continues to mark with the '096 Patent since February 4, 2004 were marked with an expired patent.

33. Despite the expiration of the '096 Patent, Timex has continued and continues to mark the products listed in paragraph 28 above with the '096 Patent.

34. Upon information and belief, Timex has marked, and continues to mark, its products with the '096 Patent after its date of expiration for the purpose of deceiving the public into believing that such products are covered by the '096 Patent.

35. Upon information and belief, notwithstanding its expiration, Timex has used, and continues to use, the '096 Patent in its advertising for the purpose of deceiving the public into believing that such products are covered by the '096 Patent.

36. By marking and continuing to mark articles with the '096 Patent since February 4, 2004 without a reasonable belief that such articles could have been covered by the '096 Patent, and by using the '096 Patent in advertising in connection with such articles, Timex has injured the sovereign interests of the United States of America as well as the public interest, and has discouraged or deterred honest competition and innovation in competing products.

#### **IV. Timex's False Marking of Patent 4,775,964**

37. Notwithstanding the fact that the '964 Patent expired on January 11, 2008, Timex has marked or has caused to be marked, and currently marks or causes to be marked, dozens of different products with the '964 Patent that it sold and continues to sell to the general consuming public throughout the United States, including in this judicial district.

38. Since January 11, 2008, Timex has marked or caused to be marked, and continues to mark or causes to be marked, the '964 Patent on at least the following products, directly or on the instructional and/or promotional materials thereof:

- a. 1440 Sports
- b. Adventure Tech Digital Compass
- c. Analog Chronograph
- d. Atlantis 100
- e. Aviator Combo

- f. Bodylink: Full-Size
- g. Bodylink: Mid-Size
- h. Bodylink: Trail-Runner
- i. Camper Manual
- j. Chrono/Alarm/Timer
- k. Classic Analog
- l. Data Link USB
- m. Digital Compass
- n. Digital-Analog Combo
- o. Dive Casual
- p. Dive Performance
- q. Dive Chronograph
- r. Easy Trainer HRM
- s. E-Compass
- t. E-Tide Temp
- u. E-Tide Temp Compass
- v. Expedition
- w. Handheld Stopwatch
- x. Humvee
- y. iControl
- z. Iron Kids
- aa. Ironman Combo (large digital display)
- bb. Ironman Dress Chronograph
- cc. Ironman Triathlon 100-Lap
- dd. Ironman Triathlon 10-Lap
- ee. Ironman Triathlon 150-Lap Sleek
- ff. Ironman Triathlon 30-Lap
- gg. Ironman Triathlon 30-Lap w/ FLIX
- hh. Ironman Triathlon 50-Lap
- ii. Ironman Triathlon 50-Lap Sleek
- jj. Ironman Triathlon 50-Lap Solar Dual-Tech
- kk. Ironman Triathlon 50-Lap Solar Shock
- ll. Ironman Triathlon 75-Lap Sleek (OVA)
- mm. Ironman Triathlon 8-Lap
- nn. Marathon
- oo. Perpetual Calendar
- pp. Personal Trainer HRM
- qq. Pulse Timing Analog
- rr. Race Trainer HRM
- ss. Reef Gear
- tt. Road Trainer HRM
- uu. Rugged Field and Trail Series Analog
- vv. Rugged Field and Trail Series Chronograph
- ww. Stealth
- xx. Target Trainer HRM
- yy. Time Teacher Analog

zz. Timex Kids Analog  
aaa. Timex Kids Digital  
bbb. TMX  
ccc. Women's Field  
ddd. Zone Trainer HRM  
eee. Zulu Time

39. Upon information and belief, since January 11, 2008, Timex has manufactured and sold, or has caused to be manufactured and sold, millions of articles marked with the '964 Patent throughout the United States, including within this judicial district.

40. None of Timex's products marked with the '964 Patent since January 11, 2008 have been covered by the '964 Patent.

41. Since January 11, 2008, Timex could not have had any reasonable belief that the products it marked and continues to mark with the '964 Patent were covered by the '964 Patent.

42. Upon information and belief, Timex knew or reasonably should have known that the products it marked with the '964 Patent after January 11, 2008 were marked with an expired patent.

43. Despite the expiration of the '964 Patent, Timex has continued and continues to mark the products listed in paragraph 37 above with the '964 Patent.

44. Upon information and belief, Timex has marked, and continues to mark, its products with the '964 Patent after its date of expiration for the purpose of deceiving the public into believing that such products are covered by the '964 Patent.

45. Upon information and belief, Timex has used, and continues to use, the '964 Patent in its advertising for the purpose of deceiving the public into believing that such products are covered by the '964 Patent.

46. By marking and continuing to mark articles with the '964 Patent since January 11, 2008, without a reasonable belief that such articles have ever been covered by the '964 Patent, and by using the '964 Patent in advertising in connection with such articles, Timex has injured the sovereign interests of the United States of America as well as the public interest, and has discouraged or deterred honest competition and innovation in competing products.

#### **V. Timex's False Marking of Patent 4,912,688**

47. Notwithstanding that the '688 Patent expired on August 11, 2009, Timex has marked or has caused to be marked, and currently marks or causes to be marked, several dozen different products with the '688 Patent that it sold and continues to sell to the general consuming public throughout the United States, including within this judicial district.

48. Since August 11, 2009, Timex has marked or caused to be marked, and continues to mark or causes to be marked, the '688 Patent on at least the following products, directly or on the instructional and/or promotional materials thereof:

- a. 1440 Sports
- b. Adventure Tech Digital Compass
- c. Analog Chronograph
- d. Bodylink: Mid-Size
- e. Chrono/Alarm/Timer
- f. Data Link USB
- g. Digital Compass
- h. Digital-Analog Combo
- i. Dive Chronograph
- j. Fitness Tracker
- k. Handheld Stopwatch
- l. iControl

- m. Ironman Dress Chronograph
- n. Ironman Triathlon 10-Lap
- o. Ironman Triathlon 150-Lap Sleek
- p. Ironman Triathlon 150-Lap Sleek with TAP-Screen Technology
- q. Ironman Triathlon 30-Lap
- r. Ironman Triathlon 30-Lap w/ FLIX
- s. Ironman Triathlon 50-Lap
- t. Ironman Triathlon 50-Lap Sleek
- u. Ironman Triathlon 50-Lap Solar Shock
- v. Ironman Triathlon 75-Lap Sleek (OVA)
- w. Rugged Field and Trail Series Chronograph

49. Upon information and belief, Timex has manufactured and sold, or has caused to be manufactured and sold, millions of articles marked with the '688 Patent throughout the United States, including within this judicial district.

50. None of Timex's products marked with the '688 Patent since August 11, 2009 have been covered by the '688 Patent.

51. Since August 11, 2009, Timex could not have had any reasonable belief that the products it marked with the '688 Patent were covered by the '688 Patent.

52. Upon information and belief, Timex knew or reasonably should have known that the products it marked with the '688 Patent after August 11, 2009 were marked with an expired patent.

53. Despite the expiration of the '688 Patent, Timex has continued and continues to mark the products listed in paragraph 48 above with the '688 Patent.

54. Upon information and belief, Timex has marked, and continues to mark, its products with the '688 Patent after its date of expiration for the purpose of deceiving the public into believing that such products are covered by the '688 Patent.

55. Upon information and belief, Timex has used, and continues to use, the '688 Patent in its advertising for the purpose of deceiving the public into believing that its products manufactured and sold after August 11, 2009 are covered by the '688 Patent.

56. By marking and continuing to mark articles with the '688 Patent since August 11, 2009 without a reasonable belief that such articles have been covered by the '688 Patent, and by using the '688 Patent in advertising in connection with such articles, Timex has injured the sovereign interests of the United States of America as well as the public interest, and has discouraged or deterred honest competition and innovation in competing products.

**COUNT I**  
**THE '096 PATENT**

**FALSE MARKING OF**  
**1440 SPORTS WATCH**

57. Plaintiff/Relator incorporates the allegations of the foregoing paragraphs as though set forth at length herein.

58. Timex manufactures a product identified as the 1440 Sports watch, and sells each unit thereof, together with an accompanying instruction booklet, to the general consuming public throughout the United States.

59. Since February 4, 2004, Timex has marked and continues to mark each unit of the 1440 Sports watch and/or its accompanying instruction booklet with the '096 Patent.

60. Because the '096 Patent expired on February 4, 2004, none of Timex's units of the 1440 Sports watch manufactured and sold since that date has been covered by the '096 Patent.

61. Timex knows or reasonably should know that each unit of the 1440 Sports watch it has manufactured and sold since February 4, 2004 was not covered by the '096 Patent.

62. Timex has violated 35 U.S.C. § 292(a) by marking or causing to be marked each unit of the 1440 Sports watch and/or its accompanying instruction booklet with the '096 Patent since February 4, 2004 for the purpose of deceiving the public.

**COUNT II**  
**THE '096 PATENT**

**FALSE MARKING OF**  
**ADVENTURE TECH DIGITAL COMPASS**

63. Plaintiff/Relator incorporates the allegations of the foregoing paragraphs as though set forth at length herein.

64. Timex manufactures and sells a product identified as the Adventure Tech Digital Compass, and sells each unit thereof, together with an accompanying instruction booklet, to the general consuming public throughout the United States.

65. Since February 4, 2004, Timex has marked and continues to mark each unit of the Adventure Tech Digital Compass and/or its accompanying instruction booklet with the '096 Patent.

66. Because the '096 Patent expired on February 4, 2004, none of Timex's units of the Adventure Tech Digital Compass manufactured and sold since that date has been covered by the '096 Patent.

67. Timex knows or reasonably should know that each unit of the Adventure Tech Digital Compass it has manufactured and sold since February 4, 2004 was not covered by the '096 Patent.

68. Timex has violated 35 U.S.C. § 292(a) by marking or causing to be marked each unit of the Adventure Tech Digital Compass and/or its accompanying instruction booklet with the '096 Patent since February 4, 2004 for the purpose of deceiving the public.

**COUNT III  
THE '096 PATENT**

**FALSE MARKING OF  
ANALOG CHRONOGRAPH WATCH**

69. Plaintiff/Relator incorporates the allegations of the foregoing paragraphs as though set forth at length herein.

70. Timex manufactures and sells a product identified as the Analog Chronograph watch, and sells each unit thereof, together with an accompanying instruction booklet, to the general consuming public throughout the United States.

71. Since February 4, 2004, Timex has marked and continues to mark each unit of the Analog Chronograph watch and/or its accompanying instruction booklet with the '096 Patent.

72. Because the '096 Patent expired on February 4, 2004, none of Timex's units of the Analog Chronograph watch manufactured and sold since that date has been covered by the '096 Patent.

73. Timex knows or reasonably should know that each unit of the Analog Chronograph watch it has manufactured and sold since February 4, 2004 was not covered by the '096 Patent.

74. Timex has violated 35 U.S.C. § 292(a) by marking or causing to be marked each unit of the Analog Chronograph watch and/or its accompanying instruction booklet with the '096 Patent since February 4, 2004 for the purpose of deceiving the public.

**COUNT IV  
THE '096 PATENT**

**FALSE MARKING OF  
ATLANTIS 100 WATCH**

75. Plaintiff/Relator incorporates the allegations of the foregoing paragraphs as though set forth at length herein.

76. Timex manufactures and sells a product identified as the Atlantis 100 watch, and sells each unit thereof, together with an accompanying instruction booklet, to the general consuming public throughout the United States.

77. Since February 4, 2004, Timex has marked and continues to mark each unit of the Atlantis 100 watch and/or its accompanying instruction booklet with the '096 Patent.

78. Because the '096 Patent expired on February 4, 2004, none of Timex's units of the Atlantis 100 watch manufactured and sold since that date has been covered by the '096 Patent.

79. Timex knows or reasonably should know that each unit of the Atlantis 100 watch it has manufactured and sold since February 4, 2004 was not covered by the '096 Patent.

80. Timex has violated 35 U.S.C. § 292(a) by marking or causing to be marked each unit of the Atlantis 100 watch and/or its accompanying instruction booklet with the '096 Patent since February 4, 2004 for the purpose of deceiving the public.

**COUNT V  
THE '096 PATENT**

**FALSE MARKING OF  
AVIATOR COMBO WATCH**

81. Plaintiff/Relator incorporates the allegations of the foregoing paragraphs as though set forth at length herein.

82. Timex manufactures and sells a product identified as the Aviator Combo watch, and sells each unit thereof, together with an accompanying instruction booklet, to the general consuming public throughout the United States.

83. Since February 4, 2004, Timex has marked and continues to mark each unit of the Aviator Combo watch and/or its accompanying instruction booklet with the '096 Patent.

84. Because the '096 Patent expired on February 4, 2004, none of Timex's units of the Aviator Combo watch manufactured and sold since that date has been covered by the '096 Patent.

85. Timex knows or reasonably should know that each unit of the Aviator Combo watch it has manufactured and sold since February 4, 2004 was not covered by the '096 Patent.

86. Timex has violated 35 U.S.C. § 292(a) by marking or causing to be marked each unit of the Aviator Combo watch and/or its accompanying instruction booklet with the '096 Patent since February 4, 2004 for the purpose of deceiving the public.

**COUNT VI**  
**THE '096 PATENT**

**FALSE MARKING OF**  
**BODYLINK: FULL-SIZE WATCH**

87. Plaintiff/Relator incorporates the allegations of the foregoing paragraphs as though set forth at length herein.

88. Timex manufactures and sells a product identified as the Bodylink: Full-Size watch, and sells each unit thereof, together with an accompanying instruction booklet, to the general consuming public throughout the United States.

89. Since February 4, 2004, Timex has marked and continues to mark each unit of the Bodylink: Full-Size watch and/or its accompanying instruction booklet with the '096 Patent.

90. Because the '096 Patent expired on February 4, 2004, none of Timex's units of the Bodylink: Full-Size watch manufactured and sold since that date has been covered by the '096 Patent.

91. Timex knows or reasonably should know that each unit of the Bodylink: Full-Size watch it has manufactured and sold since February 4, 2004 was not covered by the '096 Patent.

92. Timex has violated 35 U.S.C. § 292(a) by marking or causing to be marked each unit of the Bodylink: Full-Size watch and/or its accompanying instruction booklet with the '096 Patent since February 4, 2004 for the purpose of deceiving the public.

**COUNT VII  
THE '096 PATENT**

**FALSE MARKING OF  
BODYLINK: MID-SIZE WATCH**

93. Plaintiff/Relator incorporates the allegations of the foregoing paragraphs as though set forth at length herein.

94. Timex manufactures and sells a product identified as the Bodylink: Mid-Size watch, and sells each unit thereof, together with an accompanying instruction booklet, to the general consuming public throughout the United States.

95. Since February 4, 2004, Timex has marked and continues to mark each unit of the Bodylink: Mid-Size watch and/or its accompanying instruction booklet with the '096 Patent.

96. Because the '096 Patent expired on February 4, 2004, none of Timex's units of the Bodylink: Mid-Size watch manufactured and sold since that date has been covered by the '096 Patent.

97. Timex knows or reasonably should know that each unit of the Bodylink: Mid-Size watch it has manufactured and sold since February 4, 2004 was not covered by the '096 Patent.

98. Timex has violated 35 U.S.C. § 292(a) by marking or causing to be marked each unit of the Bodylink: Mid-Size watch and/or its accompanying instruction booklet with the '096 Patent since February 4, 2004 for the purpose of deceiving the public.

**COUNT VIII  
THE '096 PATENT**

**FALSE MARKING OF  
BODYLINK: TRAIL-RUNNER WATCH**

99. Plaintiff/Relator incorporates the allegations of the foregoing paragraphs as though set forth at length herein.

100. Timex manufactures and sells a product identified as the Bodylink: Trail-Runner watch, and sells each unit thereof, together with an accompanying instruction booklet, to the general consuming public throughout the United States.

101. Since February 4, 2004, Timex has marked and continues to mark each unit of the Bodylink: Trail-Runner watch and/or its accompanying instruction booklet with the '096 Patent.

102. Because the '096 Patent expired on February 4, 2004, none of Timex's units of the Bodylink: Trail-Runner watch manufactured and sold since that date has been covered by the '096 Patent.

103. Timex knows or reasonably should know that each unit of the Bodylink: Trail-Runner watch it has manufactured and sold since February 4, 2004 was not covered by the '096 Patent.

104. Timex has violated 35 U.S.C. § 292(a) by marking or causing to be marked each unit of the Bodylink: Trail-Runner watch and/or its accompanying instruction booklet with the '096 Patent since February 4, 2004 for the purpose of deceiving the public.

**COUNT IX  
THE '096 PATENT**

**FALSE MARKING OF  
CAMPER MANUAL WATCH**

105. Plaintiff/Relator incorporates the allegations of the foregoing paragraphs as though set forth at length herein.

106. Timex manufactures and sells a product identified as the Camper Manual watch, and sells each unit thereof, together with an accompanying instruction booklet, to the general consuming public throughout the United States.

107. Since February 4, 2004, Timex has marked and continues to mark each unit of the Camper Manual watch and/or its accompanying instruction booklet with the '096 Patent.

108. Because the '096 Patent expired on February 4, 2004, none of Timex's units of the Camper Manual watch manufactured and sold since that date has been covered by the '096 Patent.

109. Timex knows or reasonably should know that each unit of the Camper Manual watch it has manufactured and sold since February 4, 2004 was not covered by the '096 Patent.

110. Timex has violated 35 U.S.C. § 292(a) by marking or causing to be marked each unit of the Camper Manual watch and/or its accompanying instruction booklet with the '096 Patent since February 4, 2004 for the purpose of deceiving the public.

**COUNT X  
THE '096 PATENT**

**FALSE MARKING OF  
CHRONO/ALARM/TIMER WATCH**

111. Plaintiff/Relator incorporates the allegations of the foregoing paragraphs as though set forth at length herein.

112. Timex manufactures and sells a product identified as the Chrono/Alarm/Timer watch, and sells each unit thereof, together with an accompanying instruction booklet, to the general consuming public throughout the United States.

113. Since February 4, 2004, Timex has marked and continues to mark each unit of the Chrono/Alarm/Timer watch and/or its accompanying instruction booklet with the '096 Patent.

114. Because the '096 Patent expired on February 4, 2004, none of Timex's units of the Chrono/Alarm/Timer watch manufactured and sold since that date has been covered by the '096 Patent.

115. Timex knows or reasonably should know that each unit of the Chrono/Alarm/Timer watch it has manufactured and sold since February 4, 2004 was not covered by the '096 Patent.

116. Timex has violated 35 U.S.C. § 292(a) by marking or causing to be marked each unit of the Chrono/Alarm/Timer watch and/or its accompanying instruction booklet with the '096 Patent since February 4, 2004 for the purpose of deceiving the public.

**COUNT XI  
THE '096 PATENT**

**FALSE MARKING OF  
CLASSIC ANALOG WATCH**

117. Plaintiff/Relator incorporates the allegations of the foregoing paragraphs as though set forth at length herein.

118. Timex manufactures and sells a product identified as the Classic Analog watch, and sells each unit thereof, together with an accompanying instruction booklet, to the general consuming public throughout the United States.

119. Since February 4, 2004, Timex has marked and continues to mark each unit of the Classic Analog watch and/or its accompanying instruction booklet with the '096 Patent.

120. Because the '096 Patent expired on February 4, 2004, none of Timex's units of the Classic Analog watch manufactured and sold since that date has been covered by the '096 Patent.

121. Timex knows or reasonably should know that each unit of the Classic Analog watch it has manufactured and sold since February 4, 2004 was not covered by the '096 Patent.

122. Timex has violated 35 U.S.C. § 292(a) by marking or causing to be marked each unit of the Classic Analog watch and/or its accompanying instruction booklet with the '096 Patent since February 4, 2004 for the purpose of deceiving the public.

**COUNT XII  
THE '096 PATENT**

**FALSE MARKING OF  
DATA LINK USB WATCH**

123. Plaintiff/Relator incorporates the allegations of the foregoing paragraphs as though set forth at length herein.

124. Timex manufactures and sells a product identified as the Data Link USB watch, and sells each unit thereof, together with an accompanying instruction booklet, to the general consuming public throughout the United States.

125. Since February 4, 2004, Timex has marked and continues to mark each unit of the Data Link USB watch and/or its accompanying instruction booklet with the '096 Patent.

126. Because the '096 Patent expired on February 4, 2004, none of Timex's units of the Data Link USB watch manufactured and sold since that date has been covered by the '096 Patent.

127. Timex knows or reasonably should know that each unit of the Data Link USB watch it has manufactured and sold since February 4, 2004 was not covered by the '096 Patent.

128. Timex has violated 35 U.S.C. § 292(a) by marking or causing to be marked each unit of the Data Link USB watch and/or its accompanying instruction booklet with the '096 Patent since February 4, 2004 for the purpose of deceiving the public.

**COUNT XIII  
THE '096 PATENT**

**FALSE MARKING OF  
DIGITAL COMPASS WATCH**

129. Plaintiff/Relator incorporates the allegations of the foregoing paragraphs as though set forth at length herein.

130. Timex manufactures and sells a product identified as the Digital Compass watch, and sells each unit thereof, together with an accompanying instruction booklet, to the general consuming public throughout the United States.

131. Since February 4, 2004, Timex has marked and continues to mark each unit of the Digital Compass watch and/or its accompanying instruction booklet with the '096 Patent.

132. Because the '096 Patent expired on February 4, 2004, none of Timex's units of the Digital Compass watch manufactured and sold since that date has been covered by the '096 Patent.

133. Timex knows or reasonably should know that each unit of the Digital Compass watch it has manufactured and sold since February 4, 2004 was not covered by the '096 Patent.

134. Timex has violated 35 U.S.C. § 292(a) by marking or causing to be marked each unit of the Digital Compass watch and/or its accompanying instruction booklet with the '096 Patent since February 4, 2004 for the purpose of deceiving the public.

**COUNT XIV  
THE '096 PATENT**

**FALSE MARKING OF  
DIGITAL-ANALOG COMBO WATCH**

135. Plaintiff/Relator incorporates the allegations of the foregoing paragraphs as though set forth at length herein.

136. Timex manufactures and sells a product identified as the Digital-Analog Combo watch, and sells each unit thereof, together with an accompanying instruction booklet, to the general consuming public throughout the United States.

137. Since February 4, 2004, Timex has marked and continues to mark each unit of the Digital-Analog Combo watch and/or its accompanying instruction booklet with the '096 Patent.

138. Because the '096 Patent expired on February 4, 2004, none of Timex's units of the Digital-Analog Combo watch manufactured and sold since that date has been covered by the '096 Patent.

139. Timex knows or reasonably should know that each unit of the Digital-Analog Combo watch it has manufactured and sold since February 4, 2004 was not covered by the '096 Patent.

140. Timex has violated 35 U.S.C. § 292(a) by marking or causing to be marked each unit of the Digital-Analog Combo watch and/or its accompanying instruction booklet with the '096 Patent since February 4, 2004 for the purpose of deceiving the public.

**COUNT XV  
THE '096 PATENT**

**FALSE MARKING OF  
DIVE CASUAL WATCH**

141. Plaintiff/Relator incorporates the allegations of the foregoing paragraphs as though set forth at length herein.

142. Timex manufactures and sells a product identified as the Dive Casual watch, and sells each unit thereof, together with an accompanying instruction booklet, to the general consuming public throughout the United States.

143. Since February 4, 2004, Timex has marked and continues to mark each unit of the Dive Casual watch and/or its accompanying instruction booklet with the '096 Patent.

144. Because the '096 Patent expired on February 4, 2004, none of Timex's units of the Dive Casual watch manufactured and sold since that date has been covered by the '096 Patent.

145. Timex knows or reasonably should know that each unit of the Dive Casual watch it has manufactured and sold since February 4, 2004 was not covered by the '096 Patent.

146. Timex has violated 35 U.S.C. § 292(a) by marking or causing to be marked each unit of the Dive Casual watch and/or its accompanying instruction booklet with the '096 Patent since February 4, 2004 for the purpose of deceiving the public.

**COUNT XVI  
THE '096 PATENT**

**FALSE MARKING OF  
DIVE PERFORMANCE WATCH**

147. Plaintiff/Relator incorporates the allegations of the foregoing paragraphs as though set forth at length herein.

148. Timex manufactures and sells a product identified as the Dive Performance watch, and sells each unit thereof, together with an accompanying instruction booklet, to the general consuming public throughout the United States.

149. Since February 4, 2004, Timex has marked and continues to mark each unit of the Dive Performance watch and/or its accompanying instruction booklet with the '096 Patent.

150. Because the '096 Patent expired on February 4, 2004, none of Timex's units of the Dive Performance watch manufactured and sold since that date has been covered by the '096 Patent.

151. Timex knows or reasonably should know that each unit of the Dive Performance watch it has manufactured and sold since February 4, 2004 was not covered by the '096 Patent.

152. Timex has violated 35 U.S.C. § 292(a) by marking or causing to be marked each unit of the Dive Performance watch and/or its accompanying instruction booklet with the '096 Patent since February 4, 2004 for the purpose of deceiving the public.

**COUNT XVII  
THE '096 PATENT**

**FALSE MARKING OF  
DIVE CHRONOGRAPH WATCH**

153. Plaintiff/Relator incorporates the allegations of the foregoing paragraphs as though set forth at length herein.

154. Timex manufactures and sells a product identified as the Dive Chronograph watch, and sells each unit thereof, together with an accompanying instruction booklet, to the general consuming public throughout the United States.

155. Since February 4, 2004, Timex has marked and continues to mark each unit of the Dive Chronograph watch and/or its accompanying instruction booklet with the '096 Patent.

156. Because the '096 Patent expired on February 4, 2004, none of Timex's units of the Dive Chronograph watch manufactured and sold since that date has been covered by the '096 Patent.

157. Timex knows or reasonably should know that each unit of the Dive Chronograph watch it has manufactured and sold since February 4, 2004 was not covered by the '096 Patent.

158. Timex has violated 35 U.S.C. § 292(a) by marking or causing to be marked each unit of the Dive Chronograph watch and/or its accompanying instruction booklet with the '096 Patent since February 4, 2004 for the purpose of deceiving the public.

**COUNT XVIII  
THE '096 PATENT**

**FALSE MARKING OF  
EASY TRAINER HRM WATCH**

159. Plaintiff/Relator incorporates the allegations of the foregoing paragraphs as though set forth at length herein.

160. Timex manufactures and sells a product identified as the Easy Trainer HRM watch, and sells each unit thereof, together with an accompanying instruction booklet, to the general consuming public throughout the United States.

161. Since February 4, 2004, Timex has marked and continues to mark each unit of the Easy Trainer HRM watch and/or its accompanying instruction booklet with the '096 Patent.

162. Because the '096 Patent expired on February 4, 2004, none of Timex's units of the Easy Trainer HRM watch manufactured and sold since that date has been covered by the '096 Patent.

163. Timex knows or reasonably should know that each unit of the Easy Trainer HRM watch it has manufactured and sold since February 4, 2004 was not covered by the '096 Patent.

164. Timex has violated 35 U.S.C. § 292(a) by marking or causing to be marked each unit of the Easy Trainer HRM watch and/or its accompanying instruction booklet with the '096 Patent since February 4, 2004 for the purpose of deceiving the public.

**COUNT XIX  
THE '096 PATENT**

**FALSE MARKING OF  
E-COMPASS WATCH**

165. Plaintiff/Relator incorporates the allegations of the foregoing paragraphs as though set forth at length herein.

166. Timex manufactures and sells a product identified as the E-Compass watch, and sells each unit thereof, together with an accompanying instruction booklet, to the general consuming public throughout the United States.

167. Since February 4, 2004, Timex has marked and continues to mark each unit of the E-Compass watch and/or its accompanying instruction booklet with the '096 Patent.

168. Because the '096 Patent expired on February 4, 2004, none of Timex's units of the E-Compass watch manufactured and sold since that date has been covered by the '096 Patent.

169. Timex knows or reasonably should know that each unit of the E-Compass watch it has manufactured and sold since February 4, 2004 was not covered by the '096 Patent.

170. Timex has violated 35 U.S.C. § 292(a) by marking or causing to be marked each unit of the E-Compass watch and/or its accompanying instruction booklet with the '096 Patent since February 4, 2004 for the purpose of deceiving the public.

**COUNT XX  
THE '096 PATENT**

**FALSE MARKING OF  
E-TIDE TEMP WATCH**

171. Plaintiff/Relator incorporates the allegations of the foregoing paragraphs as though set forth at length herein.

172. Timex manufactures and sells a product identified as the E-Tide Temp watch, and sells each unit thereof, together with an accompanying instruction booklet, to the general consuming public throughout the United States.

173. Since February 4, 2004, Timex has marked and continues to mark each unit of the E-Tide Temp watch and/or its accompanying instruction booklet with the '096 Patent.

174. Because the '096 Patent expired on February 4, 2004, none of Timex's units of the E-Tide Temp watch manufactured and sold since that date has been covered by the '096 Patent.

175. Timex knows or reasonably should know that each unit of the E-Tide Temp watch it has manufactured and sold since February 4, 2004 was not covered by the '096 Patent.

176. Timex has violated 35 U.S.C. § 292(a) by marking or causing to be marked each unit of the E-Tide Temp watch and/or its accompanying instruction booklet with the '096 Patent since February 4, 2004 for the purpose of deceiving the public.

**COUNT XXI  
THE '096 PATENT**

**FALSE MARKING OF  
E-TIDE TEMP COMPASS WATCH**

177. Plaintiff/Relator incorporates the allegations of the foregoing paragraphs as though set forth at length herein.

178. Timex manufactures and sells a product identified as the E-Tide Temp Compass watch, and sells each unit thereof, together with an accompanying instruction booklet, to the general consuming public throughout the United States.

179. Since February 4, 2004, Timex has marked and continues to mark each unit of the E-Tide Temp Compass watch and/or its accompanying instruction booklet with the '096 Patent.

180. Because the '096 Patent expired on February 4, 2004, none of Timex's units of the E-Tide Temp Compass watch manufactured and sold since that date has been covered by the '096 Patent.

181. Timex knows or reasonably should know that each unit of the E-Tide Temp Compass watch it has manufactured and sold since February 4, 2004 was not covered by the '096 Patent.

182. Timex has violated 35 U.S.C. § 292(a) by marking or causing to be marked each unit of the E-Tide Temp Compass watch and/or its accompanying instruction booklet with the '096 Patent since February 4, 2004 for the purpose of deceiving the public.

**COUNT XXII  
THE '096 PATENT**

**FALSE MARKING OF  
EXPEDITION WATCH**

183. Plaintiff/Relator incorporates the allegations of the foregoing paragraphs as though set forth at length herein.

184. Timex manufactures and sells a product identified as the Expedition watch, and sells each unit thereof, together with an accompanying instruction booklet, to the general consuming public throughout the United States.

185. Since February 4, 2004, Timex has marked and continues to mark each unit of the Expedition watch and/or its accompanying instruction booklet with the '096 Patent.

186. Because the '096 Patent expired on February 4, 2004, none of Timex's units of the Expedition watch manufactured and sold since that date has been covered by the '096 Patent.

187. Timex knows or reasonably should know that each unit of the Expedition watch it has manufactured and sold since February 4, 2004 was not covered by the '096 Patent.

188. Timex has violated 35 U.S.C. § 292(a) by marking or causing to be marked each unit of the Expedition watch and/or its accompanying instruction booklet with the '096 Patent since February 4, 2004 for the purpose of deceiving the public.

**COUNT XXIII  
THE '096 PATENT**

**FALSE MARKING OF  
HANDHELD STOPWATCH**

189. Plaintiff/Relator incorporates the allegations of the foregoing paragraphs as though set forth at length herein.

190. Timex manufactures and sells a product identified as the Handheld Stop, and sells each unit thereof, together with an accompanying instruction booklet, to the general consuming public throughout the United States.

191. Since February 4, 2004, Timex has marked and continues to mark each unit of the Handheld Stopwatch and/or its accompanying instruction booklet with the '096 Patent.

192. Because the '096 Patent expired on February 4, 2004, none of Timex's units of the Handheld Stopwatch manufactured and sold since that date has been covered by the '096 Patent.

193. Timex knows or reasonably should know that each unit of the Handheld Stopwatch it has manufactured and sold since February 4, 2004 was not covered by the '096 Patent.

194. Timex has violated 35 U.S.C. § 292(a) by marking or causing to be marked each unit of the Handheld Stopwatch and/or its accompanying instruction booklet with the '096 Patent since February 4, 2004 for the purpose of deceiving the public.

**COUNT XXIV  
THE '096 PATENT**

**FALSE MARKING OF  
HUMVEE WATCH**

195. Plaintiff/Relator incorporates the allegations of the foregoing paragraphs as though set forth at length herein.

196. Timex manufactures and sells a product identified as the Humvee watch, and sells each unit thereof, together with an accompanying instruction booklet, to the general consuming public throughout the United States.

197. Since February 4, 2004, Timex has marked and continues to mark each unit of the Humvee watch and/or its accompanying instruction booklet with the '096 Patent.

198. Because the '096 Patent expired on February 4, 2004, none of Timex's units of the Humvee watch manufactured and sold since that date has been covered by the '096 Patent.

199. Timex knows or reasonably should know that each unit of the Humvee watch it has manufactured and sold since February 4, 2004 was not covered by the '096 Patent.

200. Timex has violated 35 U.S.C. § 292(a) by marking or causing to be marked each unit of the Humvee watch and/or its accompanying instruction booklet with the '096 Patent since February 4, 2004 for the purpose of deceiving the public.

**COUNT XXV  
THE '096 PATENT**

**FALSE MARKING OF  
iCONTROL WATCH**

201. Plaintiff/Relator incorporates the allegations of the foregoing paragraphs as though set forth at length herein.

202. Timex manufactures and sells a product identified as the iControl watch, and sells each unit thereof, together with an accompanying instruction booklet, to the general consuming public throughout the United States.

203. Since February 4, 2004, Timex has marked and continues to mark each unit of the iControl watch and/or its accompanying instruction booklet with the '096 Patent.

204. Because the '096 Patent expired on February 4, 2004, none of Timex's units of the iControl watch manufactured and sold since that date has been covered by the '096 Patent.

205. Timex knows or reasonably should know that each unit of the iControl watch it has manufactured and sold since February 4, 2004 was not covered by the '096 Patent.

206. Timex has violated 35 U.S.C. § 292(a) by marking or causing to be marked each unit of the iControl watch and/or its accompanying instruction booklet with the '096 Patent since February 4, 2004 for the purpose of deceiving the public.

**COUNT XXVI  
THE '096 PATENT**

**FALSE MARKING OF  
IRON KIDS WATCH**

207. Plaintiff/Relator incorporates the allegations of the foregoing paragraphs as though set forth at length herein.

208. Timex manufactures and sells a product identified as the Iron Kids watch, and sells each unit thereof, together with an accompanying instruction booklet, to the general consuming public throughout the United States.

209. Since February 4, 2004, Timex has marked and continues to mark each unit of the Iron Kids watch and/or its accompanying instruction booklet with the '096 Patent.

210. Because the '096 Patent expired on February 4, 2004, none of Timex's units of the Iron Kids watch manufactured and sold since that date has been covered by the '096 Patent.

211. Timex knows or reasonably should know that each unit of the Iron Kids watch it has manufactured and sold since February 4, 2004 was not covered by the '096 Patent.

212. Timex has violated 35 U.S.C. § 292(a) by marking or causing to be marked each unit of the Iron Kids watch and/or its accompanying instruction booklet with the '096 Patent since February 4, 2004 for the purpose of deceiving the public.

**COUNT XXVII  
THE '096 PATENT**

**FALSE MARKING OF  
IRONMAN COMBO (LARGE DIGITAL DISPLAY) WATCH**

213. Plaintiff/Relator incorporates the allegations of the foregoing paragraphs as though set forth at length herein.

214. Timex manufactures and sells a product identified as the Ironman Combo (large digital display) watch, and sells each unit thereof, together with an accompanying instruction booklet, to the general consuming public throughout the United States.

215. Since February 4, 2004, Timex has marked and continues to mark each unit of the Ironman Combo (large digital display) watch and/or its accompanying instruction booklet with the '096 Patent.

216. Because the '096 Patent expired on February 4, 2004, none of Timex's units of the Ironman Combo (large digital display) watch manufactured and sold since that date has been covered by the '096 Patent.

217. Timex knows or reasonably should know that each unit of the Ironman Combo (large digital display) watch it has manufactured and sold since February 4, 2004 was not covered by the '096 Patent.

218. Timex has violated 35 U.S.C. § 292(a) by marking or causing to be marked each unit of the Ironman Combo (large digital display) watch and/or its accompanying instruction booklet with the '096 Patent since February 4, 2004 for the purpose of deceiving the public.

**COUNT XXVIII  
THE '096 PATENT**

**FALSE MARKING OF  
IRONMAN DRESS CHRONOGRAPH WATCH**

219. Plaintiff/Relator incorporates the allegations of the foregoing paragraphs as though set forth at length herein.

220. Timex manufactures and sells a product identified as the Ironman Dress Chronograph watch, and sells each unit thereof, together with an accompanying instruction booklet, to the general consuming public throughout the United States.

221. Since February 4, 2004, Timex has marked and continues to mark each unit of the Ironman Dress Chronograph watch and/or its accompanying instruction booklet with the '096 Patent.

222. Because the '096 Patent expired on February 4, 2004, none of Timex's units of the Ironman Dress Chronograph watch manufactured and sold since that date has been covered by the '096 Patent.

223. Timex knows or reasonably should know that each unit of the Ironman Dress Chronograph watch it has manufactured and sold since February 4, 2004 was not covered by the '096 Patent.

224. Timex has violated 35 U.S.C. § 292(a) by marking or causing to be marked each unit of the Ironman Dress Chronograph watch and/or its accompanying instruction booklet with the '096 Patent since February 4, 2004 for the purpose of deceiving the public.

**COUNT XXIX  
THE '096 PATENT**

**FALSE MARKING OF  
IRONMAN TRIATHLON 100-LAP WATCH**

225. Plaintiff/Relator incorporates the allegations of the foregoing paragraphs as though set forth at length herein.

226. Timex manufactures and sells a product identified as the Ironman Triathlon 100-Lap watch, and sells each unit thereof, together with an accompanying instruction booklet, to the general consuming public throughout the United States.

227. Since February 4, 2004, Timex has marked and continues to mark each unit of the Ironman Triathlon 100-Lap watch and/or its accompanying instruction booklet with the '096 Patent.

228. Because the '096 Patent expired on February 4, 2004, none of Timex's units of the Ironman Triathlon 100-Lap watch manufactured and sold since that date has been covered by the '096 Patent.

229. Timex knows or reasonably should know that each unit of the Ironman Triathlon 100-Lap watch it has manufactured and sold since February 4, 2004 was not covered by the '096 Patent.

230. Timex has violated 35 U.S.C. § 292(a) by marking or causing to be marked each unit of the Ironman Triathlon 100-Lap watch and/or its accompanying instruction booklet with the '096 Patent since February 4, 2004 for the purpose of deceiving the public.

**COUNT XXX  
THE '096 PATENT**

**FALSE MARKING OF  
IRONMAN TRIATHLON 10-LAP WATCH**

231. Plaintiff/Relator incorporates the allegations of the foregoing paragraphs as though set forth at length herein.

232. Timex manufactures and sells a product identified as the Ironman Triathlon 10-Lap watch, and sells each unit thereof, together with an accompanying instruction booklet, to the general consuming public throughout the United States.

233. Since February 4, 2004, Timex has marked and continues to mark each unit of the Ironman Triathlon 10-Lap watch and/or its accompanying instruction booklet with the '096 Patent.

234. Because the '096 Patent expired on February 4, 2004, none of Timex's units of the Ironman Triathlon 10-Lap watch manufactured and sold since that date has been covered by the '096 Patent.

235. Timex knows or reasonably should know that each unit of the Ironman Triathlon 10-Lap watch it has manufactured and sold since February 4, 2004 was not covered by the '096 Patent.

236. Timex has violated 35 U.S.C. § 292(a) by marking or causing to be marked each unit of the Ironman Triathlon 10-Lap watch and/or its accompanying instruction booklet with the '096 Patent since February 4, 2004 for the purpose of deceiving the public.

**COUNT XXXI  
THE '096 PATENT**

**FALSE MARKING OF  
IRONMAN TRIATHLON 150-LAP WATCH**

237. Plaintiff/Relator incorporates the allegations of the foregoing paragraphs as though set forth at length herein.

238. Timex manufactures and sells a product identified as the Ironman Triathlon 150-Lap watch, and sells each unit thereof, together with an accompanying instruction booklet, to the general consuming public throughout the United States.

239. Since February 4, 2004, Timex has marked and continues to mark each unit of the Ironman Triathlon 150-Lap watch and/or its accompanying instruction booklet with the '096 Patent.

240. Because the '096 Patent expired on February 4, 2004, none of Timex's units of the Ironman Triathlon 150-Lap watch manufactured and sold since that date has been covered by the '096 Patent.

241. Timex knows or reasonably should know that each unit of the Ironman Triathlon 150-Lap watch it has manufactured and sold since February 4, 2004 was not covered by the '096 Patent.

242. Timex has violated 35 U.S.C. § 292(a) by marking or causing to be marked each unit of the Ironman Triathlon 150-Lap watch and/or its accompanying instruction booklet with the '096 Patent since February 4, 2004 for the purpose of deceiving the public.

**COUNT XXXII  
THE '096 PATENT**

**FALSE MARKING OF  
IRONMAN TRIATHLON 30-LAP WATCH**

243. Plaintiff/Relator incorporates the allegations of the foregoing paragraphs as though set forth at length herein.

244. Timex manufactures and sells a product identified as the Ironman Triathlon 30-Lap watch, and sells each unit thereof, together with an accompanying instruction booklet, to the general consuming public throughout the United States.

245. Since February 4, 2004, Timex has marked and continues to mark each unit of the Ironman Triathlon 30-Lap watch and/or its accompanying instruction booklet with the '096 Patent.

246. Because the '096 Patent expired on February 4, 2004, none of Timex's units of the Ironman Triathlon 30-Lap watch manufactured and sold since that date has been covered by the '096 Patent.

247. Timex knows or reasonably should know that each unit of the Ironman Triathlon 30-Lap watch it has manufactured and sold since February 4, 2004 was not covered by the '096 Patent.

248. Timex has violated 35 U.S.C. § 292(a) by marking or causing to be marked each unit of the Ironman Triathlon 30-Lap watch and/or its accompanying instruction booklet with the '096 Patent since February 4, 2004 for the purpose of deceiving the public.

**COUNT XXXIII  
THE '096 PATENT**

**FALSE MARKING OF  
IRONMAN TRIATHLON 30-LAP WITH FLIX WATCH**

249. Plaintiff/Relator incorporates the allegations of the foregoing paragraphs as though set forth at length herein.

250. Timex manufactures and sells a product identified as the Ironman Triathlon 30-Lap With FLIX watch, and sells each unit thereof, together with an accompanying instruction booklet, to the general consuming public throughout the United States.

251. Since February 4, 2004, Timex has marked and continues to mark each unit of the Ironman Triathlon 30-Lap With FLIX watch and/or its accompanying instruction booklet with the '096 Patent.

252. Because the '096 Patent expired on February 4, 2004, none of Timex's units of the Ironman Triathlon 30-Lap With FLIX watch manufactured and sold since that date has been covered by the '096 Patent.

253. Timex knows or reasonably should know that each unit of the Ironman Triathlon 30-Lap With FLIX watch it has manufactured and sold since February 4, 2004 was not covered by the '096 Patent.

254. Timex has violated 35 U.S.C. § 292(a) by marking or causing to be marked each unit of the Ironman Triathlon 30-Lap With FLIX watch and/or its accompanying instruction booklet with the '096 Patent since February 4, 2004 for the purpose of deceiving the public.

**COUNT XXXIV  
THE '096 PATENT**

**FALSE MARKING OF  
IRONMAN TRIATHLON 50-LAP WATCH**

255. Plaintiff/Relator incorporates the allegations of the foregoing paragraphs as though set forth at length herein.

256. Timex manufactures and sells a product identified as the Ironman Triathlon 50-Lap watch, and sells each unit thereof, together with an accompanying instruction booklet, to the general consuming public throughout the United States.

257. Since February 4, 2004, Timex has marked and continues to mark each unit of the Ironman Triathlon 50-Lap watch and/or its accompanying instruction booklet with the '096 Patent.

258. Because the '096 Patent expired on February 4, 2004, none of Timex's units of the Ironman Triathlon 50-Lap watch manufactured and sold since that date has been covered by the '096 Patent.

259. Timex knows or reasonably should know that each unit of the Ironman Triathlon 50-Lap watch it has manufactured and sold since February 4, 2004 was not covered by the '096 Patent.

260. Timex has violated 35 U.S.C. § 292(a) by marking or causing to be marked each unit of the Ironman Triathlon 50-Lap watch and/or its accompanying instruction booklet with the '096 Patent since February 4, 2004 for the purpose of deceiving the public.

**COUNT XXXV  
THE '096 PATENT**

**FALSE MARKING OF  
IRONMAN TRIATHLON 50-LAP SLEEK WATCH**

261. Plaintiff/Relator incorporates the allegations of the foregoing paragraphs as though set forth at length herein.

262. Timex manufactures and sells a product identified as the Ironman Triathlon 50-Lap Sleek watch, and sells each unit thereof, together with an accompanying instruction booklet, to the general consuming public throughout the United States.

263. Since February 4, 2004, Timex has marked and continues to mark each unit of the Ironman Triathlon 50-Lap Sleek watch and/or its accompanying instruction booklet with the '096 Patent.

264. Because the '096 Patent expired on February 4, 2004, none of Timex's units of the Ironman Triathlon 50-Lap Sleek watch manufactured and sold since that date has been covered by the '096 Patent.

265. Timex knows or reasonably should know that each unit of the Ironman Triathlon 50-Lap Sleek watch it has manufactured and sold since February 4, 2004 was not covered by the '096 Patent.

266. Timex has violated 35 U.S.C. § 292(a) by marking or causing to be marked each unit of the Ironman Triathlon 50-Lap Sleek watch and/or its accompanying instruction booklet with the '096 Patent since February 4, 2004 for the purpose of deceiving the public.

**COUNT XXXVI  
THE '096 PATENT**

**FALSE MARKING OF  
IRONMAN TRIATHLON 50-LAP SOLAR DUAL-TECH WATCH**

267. Plaintiff/Relator incorporates the allegations of the foregoing paragraphs as though set forth at length herein.

268. Timex manufactures and sells a product identified as the Ironman Triathlon 50-Lap Solar Dual-Tech watch, and sells each unit thereof, together with an accompanying instruction booklet, to the general consuming public throughout the United States.

269. Since February 4, 2004, Timex has marked and continues to mark each unit of the Ironman Triathlon 50-Lap Solar Dual-Tech watch and/or its accompanying instruction booklet with the '096 Patent.

270. Because the '096 Patent expired on February 4, 2004, none of Timex's units of the Ironman Triathlon 50-Lap Solar Dual-Tech watch manufactured and sold since that date has been covered by the '096 Patent.

271. Timex knows or reasonably should know that each unit of the Ironman Triathlon 50-Lap Solar Dual-Tech watch it has manufactured and sold since February 4, 2004 was not covered by the '096 Patent.

272. Timex has violated 35 U.S.C. § 292(a) by marking or causing to be marked each unit of the Ironman Triathlon 50-Lap Solar Dual-Tech watch and/or its accompanying instruction booklet with the '096 Patent since February 4, 2004 for the purpose of deceiving the public.

**COUNT XXXVII  
THE '096 PATENT**

**FALSE MARKING OF  
IRONMAN TRIATHLON 50-LAP SOLAR SHOCK WATCH**

273. Plaintiff/Relator incorporates the allegations of the foregoing paragraphs as though set forth at length herein.

274. Timex manufactures and sells a product identified as the Ironman Triathlon 50-Lap Solar Shock watch, and sells each unit thereof, together with an accompanying instruction booklet, to the general consuming public throughout the United States.

275. Since February 4, 2004, Timex has marked and continues to mark each unit of the Ironman Triathlon 50-Lap Solar Shock watch and/or its accompanying instruction booklet with the '096 Patent.

276. Because the '096 Patent expired on February 4, 2004, none of Timex's units of the Ironman Triathlon 50-Lap Solar Shock watch manufactured and sold since that date has been covered by the '096 Patent.

277. Timex knows or reasonably should know that each unit of the Ironman Triathlon 50-Lap Solar Shock watch it has manufactured and sold since February 4, 2004 was not covered by the '096 Patent.

278. Timex has violated 35 U.S.C. § 292(a) by marking or causing to be marked each unit of the Ironman Triathlon 50-Lap Solar Shock watch and/or its accompanying instruction booklet with the '096 Patent since February 4, 2004 for the purpose of deceiving the public.

**COUNT XXXVIII  
THE '096 PATENT**

**FALSE MARKING OF  
IRONMAN TRIATHLON 75-LAP SLEEK (OVA) WATCH**

279. Plaintiff/Relator incorporates the allegations of the foregoing paragraphs as though set forth at length herein.

280. Timex manufactures and sells a product identified as the Ironman Triathlon 75-Lap Sleek (OVA) watch, and sells each unit thereof, together with an accompanying instruction booklet, to the general consuming public throughout the United States.

281. Since February 4, 2004, Timex has marked and continues to mark each unit of the Ironman Triathlon 75-Lap Sleek (OVA) watch and/or its accompanying instruction booklet with the '096 Patent.

282. Because the '096 Patent expired on February 4, 2004, none of Timex's units of the Ironman Triathlon 75-Lap Sleek (OVA) watch manufactured and sold since that date has been covered by the '096 Patent.

283. Timex knows or reasonably should know that each unit of the Ironman Triathlon 75-Lap Sleek (OVA) watch it has manufactured and sold since February 4, 2004 was not covered by the '096 Patent.

284. Timex has violated 35 U.S.C. § 292(a) by marking or causing to be marked each unit of the Ironman Triathlon 75-Lap Sleek (OVA) watch and/or its accompanying instruction booklet with the '096 Patent since February 4, 2004 for the purpose of deceiving the public.

**COUNT XXXIX  
THE '096 PATENT**

**FALSE MARKING OF  
IRONMAN TRIATHLON 8-LAP WATCH**

285. Plaintiff/Relator incorporates the allegations of the foregoing paragraphs as though set forth at length herein.

286. Timex manufactures and sells a product identified as the Ironman Triathlon 8-Lap watch, and sells each unit thereof, together with an accompanying instruction booklet, to the general consuming public throughout the United States.

287. Since February 4, 2004, Timex has marked and continues to mark each unit of the Ironman Triathlon 8-Lap watch and/or its accompanying instruction booklet with the '096 Patent.

288. Because the '096 Patent expired on February 4, 2004, none of Timex's units of the Ironman Triathlon 8-Lap watch manufactured and sold since that date has been covered by the '096 Patent.

289. Timex knows or reasonably should know that each unit of the Ironman Triathlon 8-Lap watch it has manufactured and sold since February 4, 2004 was not covered by the '096 Patent.

290. Timex has violated 35 U.S.C. § 292(a) by marking or causing to be marked each unit of the Ironman Triathlon 8-Lap watch and/or its accompanying instruction booklet with the '096 Patent since February 4, 2004 for the purpose of deceiving the public.

**COUNT XL  
THE '096 PATENT**

**FALSE MARKING OF  
MARATHON WATCH**

291. Plaintiff/Relator incorporates the allegations of the foregoing paragraphs as though set forth at length herein.

292. Timex manufactures and sells a product identified as the Marathon watch, and sells each unit thereof, together with an accompanying instruction booklet, to the general consuming public throughout the United States.

293. Since February 4, 2004, Timex has marked and continues to mark each unit of the Marathon watch and/or its accompanying instruction booklet with the '096 Patent.

294. Because the '096 Patent expired on February 4, 2004, none of Timex's units of the Marathon watch manufactured and sold since that date has been covered by the '096 Patent.

295. Timex knows or reasonably should know that each unit of the Marathon watch it has manufactured and sold since February 4, 2004 was not covered by the '096 Patent.

296. Timex has violated 35 U.S.C. § 292(a) by marking or causing to be marked each unit of the Marathon watch and/or its accompanying instruction booklet with the '096 Patent since February 4, 2004 for the purpose of deceiving the public.

**COUNT XLI  
THE '096 PATENT**

**FALSE MARKING OF  
PERPETUAL CALENDAR WATCH**

297. Plaintiff/Relator incorporates the allegations of the foregoing paragraphs as though set forth at length herein.

298. Timex manufactures and sells a product identified as the Perpetual Calendar watch, and sells each unit thereof, together with an accompanying instruction booklet, to the general consuming public throughout the United States.

299. Since February 4, 2004, Timex has marked and continues to mark each unit of the Perpetual Calendar watch and/or its accompanying instruction booklet with the '096 Patent.

300. Because the '096 Patent expired on February 4, 2004, none of Timex's units of the Perpetual Calendar watch manufactured and sold since that date has been covered by the '096 Patent.

301. Timex knows or reasonably should know that each unit of the Perpetual Calendar watch it has manufactured and sold since February 4, 2004 was not covered by the '096 Patent.

302. Timex has violated 35 U.S.C. § 292(a) by marking or causing to be marked each unit of the Perpetual Calendar watch and/or its accompanying instruction booklet with the '096 Patent since February 4, 2004 for the purpose of deceiving the public.

**COUNT XLII  
THE '096 PATENT**

**FALSE MARKING OF  
PERSONAL TRAINER HRM WATCH**

303. Plaintiff/Relator incorporates the allegations of the foregoing paragraphs as though set forth at length herein.

304. Timex manufactures and sells a product identified as the Personal Trainer HRM watch, and sells each unit thereof, together with an accompanying instruction booklet, to the general consuming public throughout the United States.

305. Since February 4, 2004, Timex has marked and continues to mark each unit of the Personal Trainer HRM watch and/or its accompanying instruction booklet with the '096 Patent.

306. Because the '096 Patent expired on February 4, 2004, none of Timex's units of the Personal Trainer HRM watch manufactured and sold since that date has been covered by the '096 Patent.

307. Timex knows or reasonably should know that each unit of the Personal Trainer HRM watch it has manufactured and sold since February 4, 2004 was not covered by the '096 Patent.

308. Timex has violated 35 U.S.C. § 292(a) by marking or causing to be marked each unit of the Personal Trainer HRM watch and/or its accompanying instruction booklet with the '096 Patent since February 4, 2004 for the purpose of deceiving the public.

**COUNT XLIII  
THE '096 PATENT**

**FALSE MARKING OF  
PULSE TIMING ANALOG WATCH**

309. Plaintiff/Relator incorporates the allegations of the foregoing paragraphs as though set forth at length herein.

310. Timex manufactures and sells a product identified as the Pulse Timing Analog watch, and sells each unit thereof, together with an accompanying instruction booklet, to the general consuming public throughout the United States.

311. Since February 4, 2004, Timex has marked and continues to mark each unit of the Pulse Timing Analog watch and/or its accompanying instruction booklet with the '096 Patent.

312. Because the '096 Patent expired on February 4, 2004, none of Timex's units of the Pulse Timing Analog watch manufactured and sold since that date has been covered by the '096 Patent.

313. Timex knows or reasonably should know that each unit of the Pulse Timing Analog watch it has manufactured and sold since February 4, 2004 was not covered by the '096 Patent.

314. Timex has violated 35 U.S.C. § 292(a) by marking or causing to be marked each unit of the Pulse Timing Analog watch and/or its accompanying instruction booklet with the '096 Patent since February 4, 2004 for the purpose of deceiving the public.

**COUNT XLIV**  
**THE '096 PATENT**

**FALSE MARKING OF**  
**RACE TRAINER HRM WATCH**

315. Plaintiff/Relator incorporates the allegations of the foregoing paragraphs as though set forth at length herein.

316. Timex manufactures and sells a product identified as the Race Trainer HRM watch, and sells each unit thereof, together with an accompanying instruction booklet, to the general consuming public throughout the United States.

317. Since February 4, 2004, Timex has marked and continues to mark each unit of the Race Trainer HRM watch and/or its accompanying instruction booklet with the '096 Patent.

318. Because the '096 Patent expired on February 4, 2004, none of Timex's units of the Race Trainer HRM watch manufactured and sold since that date has been covered by the '096 Patent.

319. Timex knows or reasonably should know that each unit of the Race Trainer HRM watch it has manufactured and sold since February 4, 2004 was not covered by the '096 Patent.

320. Timex has violated 35 U.S.C. § 292(a) by marking or causing to be marked each unit of the Race Trainer HRM watch and/or its accompanying instruction booklet with the '096 Patent since February 4, 2004 for the purpose of deceiving the public.

**COUNT XLV  
THE '096 PATENT**

**FALSE MARKING OF  
REEF GEAR WATCH**

321. Plaintiff/Relator incorporates the allegations of the foregoing paragraphs as though set forth at length herein.

322. Timex manufactures and sells a product identified as the Reef Gear watch, and sells each unit thereof, together with an accompanying instruction booklet, to the general consuming public throughout the United States.

323. Since February 4, 2004, Timex has marked and continues to mark each unit of the Reef Gear watch and/or its accompanying instruction booklet with the '096 Patent.

324. Because the '096 Patent expired on February 4, 2004, none of Timex's units of the Reef Gear watch manufactured and sold since that date has been covered by the '096 Patent.

325. Timex knows or reasonably should know that each unit of the Reef Gear watch it has manufactured and sold since February 4, 2004 was not covered by the '096 Patent.

326. Timex has violated 35 U.S.C. § 292(a) by marking or causing to be marked each unit of the Reef Gear watch and/or its accompanying instruction booklet with the '096 Patent since February 4, 2004 for the purpose of deceiving the public.

**COUNT XLVI  
THE '096 PATENT**

**FALSE MARKING OF  
ROAD TRAINER HRM WATCH**

327. Plaintiff/Relator incorporates the allegations of the foregoing paragraphs as though set forth at length herein.

328. Timex manufactures and sells a product identified as the Road Trainer HRM watch, and sells each unit thereof, together with an accompanying instruction booklet, to the general consuming public throughout the United States.

329. Since February 4, 2004, Timex has marked and continues to mark each unit of the Road Trainer HRM watch and/or its accompanying instruction booklet with the '096 Patent.

330. Because the '096 Patent expired on February 4, 2004, none of Timex's units of the Road Trainer HRM watch manufactured and sold since that date has been covered by the '096 Patent.

331. Timex knows or reasonably should know that each unit of the Road Trainer HRM watch it has manufactured and sold since February 4, 2004 was not covered by the '096 Patent.

332. Timex has violated 35 U.S.C. § 292(a) by marking or causing to be marked each unit of the Road Trainer HRM watch and/or its accompanying instruction booklet with the '096 Patent since February 4, 2004 for the purpose of deceiving the public.

**COUNT XLVII  
THE '096 PATENT**

**FALSE MARKING OF  
RUGGED FIELD AND TRAIL SERIES ANALOG WATCH**

333. Plaintiff/Relator incorporates the allegations of the foregoing paragraphs as though set forth at length herein.

334. Timex manufactures and sells a product identified as the Rugged Field and Trail Series Analog watch, and sells each unit thereof, together with an accompanying instruction booklet, to the general consuming public throughout the United States.

335. Since February 4, 2004, Timex has marked and continues to mark each unit of the Rugged Field and Trail Series Analog watch and/or its accompanying instruction booklet with the '096 Patent.

336. Because the '096 Patent expired on February 4, 2004, none of Timex's units of the Rugged Field and Trail Series Analog watch manufactured and sold since that date has been covered by the '096 Patent.

337. Timex knows or reasonably should know that each unit of the Rugged Field and Trail Series Analog watch it has manufactured and sold since February 4, 2004 was not covered by the '096 Patent.

338. Timex has violated 35 U.S.C. § 292(a) by marking or causing to be marked each unit of the Rugged Field and Trail Series Analog watch and/or its accompanying instruction booklet with the '096 Patent since February 4, 2004 for the purpose of deceiving the public.

**COUNT XLVIII  
THE '096 PATENT**

**FALSE MARKING OF  
RUGGED FIELD AND TRAIL SERIES CHRONOGRAPH WATCH**

339. Plaintiff/Relator incorporates the allegations of the foregoing paragraphs as though set forth at length herein.

340. Timex manufactures and sells a product identified as the Rugged Field and Trail Series Chronograph watch, and sells each unit thereof, together with an accompanying instruction booklet, to the general consuming public throughout the United States.

341. Since February 4, 2004, Timex has marked and continues to mark each unit of the Rugged Field and Trail Series Chronograph watch and/or its accompanying instruction booklet with the '096 Patent.

342. Because the '096 Patent expired on February 4, 2004, none of Timex's units of the Rugged Field and Trail Series Chronograph watch manufactured and sold since that date has been covered by the '096 Patent.

343. Timex knows or reasonably should know that each unit of the Rugged Field and Trail Series Chronograph watch it has manufactured and sold since February 4, 2004 was not covered by the '096 Patent.

344. Timex has violated 35 U.S.C. § 292(a) by marking or causing to be marked each unit of the Rugged Field and Trail Series Chronograph watch and/or its accompanying instruction booklet with the '096 Patent since February 4, 2004 for the purpose of deceiving the public.

**COUNT XLIX  
THE '096 PATENT**

**FALSE MARKING OF  
STEALTH WATCH**

345. Plaintiff/Relator incorporates the allegations of the foregoing paragraphs as though set forth at length herein.

346. Timex manufactures and sells a product identified as the Stealth watch, and sells each unit thereof, together with an accompanying instruction booklet, to the general consuming public throughout the United States.

347. Since February 4, 2004, Timex has marked and continues to mark each unit of the Stealth watch and/or its accompanying instruction booklet with the '096 Patent.

348. Because the '096 Patent expired on February 4, 2004, none of Timex's units of the Stealth watch manufactured and sold since that date has been covered by the '096 Patent.

349. Timex knows or reasonably should know that each unit of the Stealth watch it has manufactured and sold since February 4, 2004 was not covered by the '096 Patent.

350. Timex has violated 35 U.S.C. § 292(a) by marking or causing to be marked each unit of the Stealth watch and/or its accompanying instruction booklet with the '096 Patent since February 4, 2004 for the purpose of deceiving the public.

**COUNT L  
THE '096 PATENT**

**FALSE MARKING OF  
TARGET TRAINER HRM WATCH**

351. Plaintiff/Relator incorporates the allegations of the foregoing paragraphs as though set forth at length herein.

352. Timex manufactures and sells a product identified as the Target Trainer HRM watch, and sells each unit thereof, together with an accompanying instruction booklet, to the general consuming public throughout the United States.

353. Since February 4, 2004, Timex has marked and continues to mark each unit of the Target Trainer HRM watch and/or its accompanying instruction booklet with the '096 Patent.

354. Because the '096 Patent expired on February 4, 2004, none of Timex's units of the Target Trainer HRM watch manufactured and sold since that date has been covered by the '096 Patent.

355. Timex knows or reasonably should know that each unit of the Target Trainer HRM watch it has manufactured and sold since February 4, 2004 was not covered by the '096 Patent.

356. Timex has violated 35 U.S.C. § 292(a) by marking or causing to be marked each unit of the Target Trainer HRM watch and/or its accompanying instruction booklet with the '096 Patent since February 4, 2004 for the purpose of deceiving the public.

**COUNT LI  
THE '096 PATENT**

**FALSE MARKING OF  
TIME TEACHER ANALOG WATCH**

357. Plaintiff/Relator incorporates the allegations of the foregoing paragraphs as though set forth at length herein.

358. Timex manufactures and sells a product identified as the Time Teacher Analog watch, and sells each unit thereof, together with an accompanying instruction booklet, to the general consuming public throughout the United States.

359. Since February 4, 2004, Timex has marked and continues to mark each unit of the Time Teacher Analog watch and/or its accompanying instruction booklet with the '096 Patent.

360. Because the '096 Patent expired on February 4, 2004, none of Timex's units of the Time Teacher Analog watch manufactured and sold since that date has been covered by the '096 Patent.

361. Timex knows or reasonably should know that each unit of the Time Teacher Analog watch it has manufactured and sold since February 4, 2004 was not covered by the '096 Patent.

362. Timex has violated 35 U.S.C. § 292(a) by marking or causing to be marked each unit of the Time Teacher Analog watch and/or its accompanying instruction booklet with the '096 Patent since February 4, 2004 for the purpose of deceiving the public.

**COUNT LII  
THE '096 PATENT**

**FALSE MARKING OF  
TIME TEACHER DIGITAL WATCH**

363. Plaintiff/Relator incorporates the allegations of the foregoing paragraphs as though set forth at length herein.

364. Timex manufactures and sells a product identified as the Time Teacher Digital watch, and sells each unit thereof, together with an accompanying instruction booklet, to the general consuming public throughout the United States.

365. Since February 4, 2004, Timex has marked and continues to mark each unit of the Time Teacher Digital watch and/or its accompanying instruction booklet with the '096 Patent.

366. Because the '096 Patent expired on February 4, 2004, none of Timex's units of the Time Teacher Digital watch manufactured and sold since that date has been covered by the '096 Patent.

367. Timex knows or reasonably should know that each unit of the Time Teacher Digital watch it has manufactured and sold since February 4, 2004 was not covered by the '096 Patent.

368. Timex has violated 35 U.S.C. § 292(a) by marking or causing to be marked each unit of the Time Teacher Digital watch and/or its accompanying instruction booklet with the '096 Patent since February 4, 2004 for the purpose of deceiving the public.

**COUNT LIII  
THE '096 PATENT**

**FALSE MARKING OF  
TMX WATCH**

369. Plaintiff/Relator incorporates the allegations of the foregoing paragraphs as though set forth at length herein.

370. Timex manufactures and sells a product identified as the TMX watch, and sells each unit thereof, together with an accompanying instruction booklet, to the general consuming public throughout the United States.

371. Since February 4, 2004, Timex has marked and continues to mark each unit of the TMX watch and/or its accompanying instruction booklet with the '096 Patent.

372. Because the '096 Patent expired on February 4, 2004, none of Timex's units of the TMX watch manufactured and sold since that date has been covered by the '096 Patent.

373. Timex knows or reasonably should know that each unit of the TMX watch it has manufactured and sold since February 4, 2004 was not covered by the '096 Patent.

374. Timex has violated 35 U.S.C. § 292(a) by marking or causing to be marked each unit of the TMX watch and/or its accompanying instruction booklet with the '096 Patent since February 4, 2004 for the purpose of deceiving the public.

**COUNT LIV  
THE '096 PATENT**

**FALSE MARKING OF  
WOMEN'S FIELD WATCH**

375. Plaintiff/Relator incorporates the allegations of the foregoing paragraphs as though set forth at length herein.

376. Timex manufactures and sells a product identified as the Women's Field watch, and sells each unit thereof, together with an accompanying instruction booklet, to the general consuming public throughout the United States.

377. Since February 4, 2004, Timex has marked and continues to mark each unit of the Women's Field watch and/or its accompanying instruction booklet with the '096 Patent.

378. Because the '096 Patent expired on February 4, 2004, none of Timex's units of the Women's Field watch manufactured and sold since that date has been covered by the '096 Patent.

379. Timex knows or reasonably should know that each unit of the Women's Field watch it has manufactured and sold since February 4, 2004 was not covered by the '096 Patent.

380. Timex has violated 35 U.S.C. § 292(a) by marking or causing to be marked each unit of the Women's Field watch and/or its accompanying instruction booklet with the '096 Patent since February 4, 2004 for the purpose of deceiving the public.

**COUNT LV  
THE '096 PATENT**

**FALSE MARKING OF  
ZONE TRAINER HRM WATCH**

381. Plaintiff/Relator incorporates the allegations of the foregoing paragraphs as though set forth at length herein.

382. Timex manufactures and sells a product identified as the Zone Trainer HRM watch, and sells each unit thereof, together with an accompanying instruction booklet, to the general consuming public throughout the United States.

383. Since February 4, 2004, Timex has marked and continues to mark each unit of the Zone Trainer HRM watch and/or its accompanying instruction booklet with the '096 Patent.

384. Because the '096 Patent expired on February 4, 2004, none of Timex's units of the Zone Trainer HRM watch manufactured and sold since that date has been covered by the '096 Patent.

385. Timex knows or reasonably should know that each unit of the Zone Trainer HRM watch it has manufactured and sold since February 4, 2004 was not covered by the '096 Patent.

386. Timex has violated 35 U.S.C. § 292(a) by marking or causing to be marked each unit of the Zone Trainer HRM watch and/or its accompanying instruction booklet with the '096 Patent since February 4, 2004 for the purpose of deceiving the public.

**COUNT LVI  
THE '096 PATENT**

**FALSE MARKING OF  
ZULU TIME WATCH**

387. Plaintiff/Relator incorporates the allegations of the foregoing paragraphs as though set forth at length herein.

388. Timex manufactures and sells a product identified as the Zulu Time watch, and sells each unit thereof, together with an accompanying instruction booklet, to the general consuming public throughout the United States.

389. Since February 4, 2004, Timex has marked and continues to mark each unit of the Zulu Time watch and/or its accompanying instruction booklet with the '096 Patent.

390. Because the '096 Patent expired on February 4, 2004, none of Timex's units of the Zulu Time watch manufactured and sold since that date has been covered by the '096 Patent.

391. Timex knows or reasonably should know that each unit of the Zulu Time watch it has manufactured and sold since February 4, 2004 was not covered by the '096 Patent.

392. Timex has violated 35 U.S.C. § 292(a) by marking or causing to be marked each unit of the Zulu Time watch and/or its accompanying instruction booklet with the '096 Patent since February 4, 2004 for the purpose of deceiving the public.

**COUNT LVII  
THE '964 PATENT**

**FALSE MARKING OF  
1440 SPORTS WATCH**

393. Plaintiff/Relator incorporates the allegations of the foregoing paragraphs as though set forth at length herein.

394. Timex manufactures and sells a product identified as the 1440 Sports watch, and sells each unit thereof, together with an accompanying instruction booklet, to the general consuming public throughout the United States.

395. Since January 11, 2008, Timex has marked and continues to mark each unit of the 1440 Sports watch and/or its accompanying instruction booklet with the '964 Patent.

396. Because the '964 Patent expired on January 11, 2008, none of Timex's units of the 1440 Sports watch manufactured and sold since that date has been covered by the '964 Patent.

397. Timex knows or reasonably should know that each unit of the 1440 Sports watch it has manufactured and sold since January 11, 2008 was not covered by the '964 Patent.

398. Timex has violated 35 U.S.C. § 292(a) by marking or causing to be marked each unit of the 1440 Sports watch and/or its accompanying instruction booklet with the '964 Patent since January 11, 2008 for the purpose of deceiving the public.

**COUNT LVIII  
THE '964 PATENT**

**FALSE MARKING OF  
ADVENTURE TECH DIGITAL COMPASS**

399. Plaintiff/Relator incorporates the allegations of the foregoing paragraphs as though set forth at length herein.

400. Timex manufactures and sells a product identified as the Adventure Tech Digital Compass.

401. Since January 11, 2008, Timex has marked and continues to mark each unit of the Adventure Tech Digital Compass with the '964 Patent.

402. Because the '964 Patent expired on January 11, 2008, none of Timex's units of the Adventure Tech Digital Compass manufactured and sold since that date has been covered by the '964 Patent.

403. Timex knows or reasonably should know that each unit of the Adventure Tech Digital Compass it has manufactured and sold since January 11, 2008 was not covered by the '964 Patent.

404. Timex has violated 35 U.S.C. § 292(a) by marking or causing to be marked each unit of the Adventure Tech Digital Compass with the '964 Patent since January 11, 2008 for the purpose of deceiving the public.

**COUNT LIX  
THE '964 PATENT**

**FALSE MARKING OF  
ANALOG CHRONOGRAPH WATCH**

405. Plaintiff/Relator incorporates the allegations of the foregoing paragraphs as though set forth at length herein.

406. Timex manufactures and sells a product identified as the Analog Chronograph watch, and sells each unit thereof, together with an accompanying instruction booklet, to the general consuming public throughout the United States.

407. Since January 11, 2008, Timex has marked and continues to mark each unit of the Analog Chronograph watch and/or its accompanying instruction booklet with the '964 Patent.

408. Because the '964 Patent expired on January 11, 2008, none of Timex's units of the Analog Chronograph watch manufactured and sold since that date has been covered by the '964 Patent.

409. Timex knows or reasonably should know that each unit of the Analog Chronograph watch it has manufactured and sold since January 11, 2008 was not covered by the '964 Patent.

410. Timex has violated 35 U.S.C. § 292(a) by marking or causing to be marked each unit of the Analog Chronograph watch and/or its accompanying instruction booklet with the '964 Patent since January 11, 2008 for the purpose of deceiving the public.

**COUNT LX  
THE '964 PATENT**

**FALSE MARKING OF  
ATLANTIS 100 WATCH**

411. Plaintiff/Relator incorporates the allegations of the foregoing paragraphs as though set forth at length herein.

412. Timex manufactures and sells a product identified as the Atlantis 100 watch, and sells each unit thereof, together with an accompanying instruction booklet, to the general consuming public throughout the United States.

413. Since January 11, 2008, Timex has marked and continues to mark each unit of the Atlantis 100 watch and/or its accompanying instruction booklet with the '964 Patent.

414. Because the '964 Patent expired on January 11, 2008, none of Timex's units of the Atlantis 100 watch manufactured and sold since that date has been covered by the '964 Patent.

415. Timex knows or reasonably should know that each unit of the Atlantis 100 watch it has manufactured and sold since January 11, 2008 was not covered by the '964 Patent.

416. Timex has violated 35 U.S.C. § 292(a) by marking or causing to be marked each unit of the Atlantis 100 watch and/or its accompanying instruction booklet with the '964 Patent since January 11, 2008 for the purpose of deceiving the public.

**COUNT LXI  
THE '964 PATENT**

**FALSE MARKING OF  
AVIATOR COMBO WATCH**

417. Plaintiff/Relator incorporates the allegations of the foregoing paragraphs as though set forth at length herein.

418. Timex manufactures and sells a product identified as the Aviator Combo watch, and sells each unit thereof, together with an accompanying instruction booklet, to the general consuming public throughout the United States.

419. Since January 11, 2008, Timex has marked and continues to mark each unit of the Aviator Combo watch and/or its accompanying instruction booklet with the '964 Patent.

420. Because the '964 Patent expired on January 11, 2008, none of Timex's units of the Aviator Combo watch manufactured and sold since that date has been covered by the '964 Patent.

421. Timex knows or reasonably should know that each unit of the Aviator Combo watch it has manufactured and sold since January 11, 2008 was not covered by the '964 Patent.

422. Timex has violated 35 U.S.C. § 292(a) by marking or causing to be marked each unit of the Aviator Combo watch and/or its accompanying instruction booklet with the '964 Patent since January 11, 2008 for the purpose of deceiving the public.

**COUNT LXII  
THE '964 PATENT**

**FALSE MARKING OF  
BODYLINK: FULL-SIZE WATCH**

423. Plaintiff/Relator incorporates the allegations of the foregoing paragraphs as though set forth at length herein.

424. Timex manufactures and sells a product identified as the Bodylink: Full-Size watch, and sells each unit thereof, together with an accompanying instruction booklet, to the general consuming public throughout the United States.

425. Since January 11, 2008, Timex has marked and continues to mark each unit of the Bodylink: Full-Size watch and/or its accompanying instruction booklet with the '964 Patent.

426. Because the '964 Patent expired on January 11, 2008, none of Timex's units of the Bodylink: Full-Size watch manufactured and sold since that date has been covered by the '964 Patent.

427. Timex knows or reasonably should know that each unit of the Bodylink: Full-Size watch it has manufactured and sold since January 11, 2008 was not covered by the '964 Patent.

428. Timex has violated 35 U.S.C. § 292(a) by marking or causing to be marked each unit of the Bodylink: Full-Size watch and/or its accompanying instruction booklet with the '964 Patent since January 11, 2008 for the purpose of deceiving the public.

**COUNT LXIII  
THE '964 PATENT**

**FALSE MARKING OF  
BODYLINK: MID-SIZE WATCH**

429. Plaintiff/Relator incorporates the allegations of the foregoing paragraphs as though set forth at length herein.

430. Timex manufactures and sells a product identified as the Bodylink: Mid-Size watch, and sells each unit thereof, together with an accompanying instruction booklet, to the general consuming public throughout the United States.

431. Since January 11, 2008, Timex has marked and continues to mark each unit of the Bodylink: Mid-Size watch and/or its accompanying instruction booklet with the '964 Patent.

432. Because the '964 Patent expired on January 11, 2008, none of Timex's units of the Bodylink: Mid-Size watch manufactured and sold since that date has been covered by the '964 Patent.

433. Timex knows or reasonably should know that each unit of the Bodylink: Mid-Size watch it has manufactured and sold since January 11, 2008 was not covered by the '964 Patent.

434. Timex has violated 35 U.S.C. § 292(a) by marking or causing to be marked each unit of the Bodylink: Mid-Size watch and/or its accompanying instruction booklet with the '964 Patent since January 11, 2008 for the purpose of deceiving the public.

**COUNT LXIV  
THE '964 PATENT**

**FALSE MARKING OF  
BODYLINK: TRAIL-RUNNER WATCH**

435. Plaintiff/Relator incorporates the allegations of the foregoing paragraphs as though set forth at length herein.

436. Timex manufactures and sells a product identified as the Bodylink: Trail-Runner watch, and sells each unit thereof, together with an accompanying instruction booklet, to the general consuming public throughout the United States.

437. Since January 11, 2008, Timex has marked and continues to mark each unit of the Bodylink: Trail-Runner watch and/or its accompanying instruction booklet with the '964 Patent.

438. Because the '964 Patent expired on January 11, 2008, none of Timex's units of the Bodylink: Trail-Runner watch manufactured and sold since that date has been covered by the '964 Patent.

439. Timex knows or reasonably should know that each unit of the Bodylink: Trail-Runner watch it has manufactured and sold since January 11, 2008 was not covered by the '964 Patent.

440. Timex has violated 35 U.S.C. § 292(a) by marking or causing to be marked each unit of the Bodylink: Trail-Runner watch and/or its accompanying instruction booklet with the '964 Patent since January 11, 2008 for the purpose of deceiving the public.

**COUNT LXV  
THE '964 PATENT**

**FALSE MARKING OF  
CAMPER MANUAL WATCH**

441. Plaintiff/Relator incorporates the allegations of the foregoing paragraphs as though set forth at length herein.

442. Timex manufactures and sells a product identified as the Camper Manual watch, and sells each unit thereof, together with an accompanying instruction booklet, to the general consuming public throughout the United States.

443. Since January 11, 2008, Timex has marked and continues to mark each unit of the Camper Manual watch and/or its accompanying instruction booklet with the '964 Patent.

444. Because the '964 Patent expired on January 11, 2008, none of Timex's units of the Camper Manual watch manufactured and sold since that date has been covered by the '964 Patent.

445. Timex knows or reasonably should know that each unit of the Camper Manual watch it has manufactured and sold since January 11, 2008 was not covered by the '964 Patent.

446. Timex has violated 35 U.S.C. § 292(a) by marking or causing to be marked each unit of the Camper Manual watch and/or its accompanying instruction booklet with the '964 Patent since January 11, 2008 for the purpose of deceiving the public.

**COUNT LXVI  
THE '964 PATENT**

**FALSE MARKING OF  
CHRONO/ALARM/TIMER WATCH**

447. Plaintiff/Relator incorporates the allegations of the foregoing paragraphs as though set forth at length herein.

448. Timex manufactures and sells a product identified as the Chrono/Alarm/Timer watch, and sells each unit thereof, together with an accompanying instruction booklet, to the general consuming public throughout the United States.

449. Since January 11, 2008, Timex has marked and continues to mark each unit of the Chrono/Alarm/Timer watch and/or its accompanying instruction booklet with the '964 Patent.

450. Because the '964 Patent expired on January 11, 2008, none of Timex's units of the Chrono/Alarm/Timer watch manufactured and sold since that date has been covered by the '964 Patent.

451. Timex knows or reasonably should know that each unit of the Chrono/Alarm/Timer watch it has manufactured and sold since January 11, 2008 was not covered by the '964 Patent.

452. Timex has violated 35 U.S.C. § 292(a) by marking or causing to be marked each unit of the Chrono/Alarm/Timer watch and/or its accompanying instruction booklet with the '964 Patent since January 11, 2008 for the purpose of deceiving the public.

**COUNT LXVII  
THE '964 PATENT**

**FALSE MARKING OF  
CLASSIC ANALOG WATCH**

453. Plaintiff/Relator incorporates the allegations of the foregoing paragraphs as though set forth at length herein.

454. Timex manufactures and sells a product identified as the Classic Analog watch, and sells each unit thereof, together with an accompanying instruction booklet, to the general consuming public throughout the United States.

455. Since January 11, 2008, Timex has marked and continues to mark each unit of the Classic Analog watch and/or its accompanying instruction booklet with the '964 Patent.

456. Because the '964 Patent expired on January 11, 2008, none of Timex's units of the Classic Analog watch manufactured and sold since that date has been covered by the '964 Patent.

457. Timex knows or reasonably should know that each unit of the Classic Analog watch it has manufactured and sold since January 11, 2008 was not covered by the '964 Patent.

458. Timex has violated 35 U.S.C. § 292(a) by marking or causing to be marked each unit of the Classic Analog watch and/or its accompanying instruction booklet with the '964 Patent since January 11, 2008 for the purpose of deceiving the public.

**COUNT LXVIII  
THE '964 PATENT**

**FALSE MARKING OF  
DATA LINK USB WATCH**

459. Plaintiff/Relator incorporates the allegations of the foregoing paragraphs as though set forth at length herein.

460. Timex manufactures and sells a product identified as the Data Link USB watch, and sells each unit thereof, together with an accompanying instruction booklet, to the general consuming public throughout the United States.

461. Since January 11, 2008, Timex has marked and continues to mark each unit of the Data Link USB watch and/or its accompanying instruction booklet with the '964 Patent.

462. Because the '964 Patent expired on January 11, 2008, none of Timex's units of the Data Link USB watch manufactured and sold since that date has been covered by the '964 Patent.

463. Timex knows or reasonably should know that each unit of the Data Link USB watch it has manufactured and sold since January 11, 2008 was not covered by the '964 Patent.

464. Timex has violated 35 U.S.C. § 292(a) by marking or causing to be marked each unit of the Data Link USB watch and/or its accompanying instruction booklet with the '964 Patent since January 11, 2008 for the purpose of deceiving the public.

**COUNT LXIX  
THE '964 PATENT**

**FALSE MARKING OF  
DIGITAL COMPASS WATCH**

465. Plaintiff/Relator incorporates the allegations of the foregoing paragraphs as though set forth at length herein.

466. Timex manufactures and sells a product identified as the Digital Compass watch, and sells each unit thereof, together with an accompanying instruction booklet, to the general consuming public throughout the United States.

467. Since January 11, 2008, Timex has marked and continues to mark each unit of the Digital Compass watch and/or its accompanying instruction booklet with the '964 Patent.

468. Because the '964 Patent expired on January 11, 2008, none of Timex's units of the Digital Compass watch manufactured and sold since that date has been covered by the '964 Patent.

469. Timex knows or reasonably should know that each unit of the Digital Compass watch it has manufactured and sold since January 11, 2008 was not covered by the '964 Patent.

470. Timex has violated 35 U.S.C. § 292(a) by marking or causing to be marked each unit of the Digital Compass watch and/or its accompanying instruction booklet with the '964 Patent since January 11, 2008 for the purpose of deceiving the public.

**COUNT LXX  
THE '964 PATENT**

**FALSE MARKING OF  
DIGITAL-ANALOG COMBO WATCH**

471. Plaintiff/Relator incorporates the allegations of the foregoing paragraphs as though set forth at length herein.

472. Timex manufactures and sells a product identified as the Digital-Analog Combo watch, and sells each unit thereof, together with an accompanying instruction booklet, to the general consuming public throughout the United States.

473. Since January 11, 2008, Timex has marked and continues to mark each unit of the Digital-Analog Combo watch and/or its accompanying instruction booklet with the '964 Patent.

474. Because the '964 Patent expired on January 11, 2008, none of Timex's units of the Digital-Analog Combo watch manufactured and sold since that date has been covered by the '964 Patent.

475. Timex knows or reasonably should know that each unit of the Digital-Analog Combo watch it has manufactured and sold since January 11, 2008 was not covered by the '964 Patent.

476. Timex has violated 35 U.S.C. § 292(a) by marking or causing to be marked each unit of the Digital-Analog Combo watch and/or its accompanying instruction booklet with the '964 Patent since January 11, 2008 for the purpose of deceiving the public.

**COUNT LXXI**  
**THE '964 PATENT**

**FALSE MARKING OF**  
**DIVE CASUAL WATCH**

477. Plaintiff/Relator incorporates the allegations of the foregoing paragraphs as though set forth at length herein.

478. Timex manufactures and sells a product identified as the Dive Casual watch, and sells each unit thereof, together with an accompanying instruction booklet, to the general consuming public throughout the United States.

479. Since January 11, 2008, Timex has marked and continues to mark each unit of the Dive Casual watch and/or its accompanying instruction booklet with the '964 Patent.

480. Because the '964 Patent expired on January 11, 2008, none of Timex's units of the Dive Casual watch manufactured and sold since that date has been covered by the '964 Patent.

481. Timex knows or reasonably should know that each unit of the Dive Casual watch it has manufactured and sold since January 11, 2008 was not covered by the '964 Patent.

482. Timex has violated 35 U.S.C. § 292(a) by marking or causing to be marked each unit of the Dive Casual watch and/or its accompanying instruction booklet with the '964 Patent since January 11, 2008 for the purpose of deceiving the public.

**COUNT LXXII  
THE '964 PATENT**

**FALSE MARKING OF  
DIVE PERFORMANCE WATCH**

483. Plaintiff/Relator incorporates the allegations of the foregoing paragraphs as though set forth at length herein.

484. Timex manufactures and sells a product identified as the Dive Performance watch, and sells each unit thereof, together with an accompanying instruction booklet, to the general consuming public throughout the United States.

485. Since January 11, 2008, Timex has marked and continues to mark each unit of the Dive Performance watch and/or its accompanying instruction booklet with the '964 Patent.

486. Because the '964 Patent expired on January 11, 2008, none of Timex's units of the Dive Performance watch manufactured and sold since that date has been covered by the '964 Patent.

487. Timex knows or reasonably should know that each unit of the Dive Performance watch it has manufactured and sold since January 11, 2008 was not covered by the '964 Patent.

488. Timex has violated 35 U.S.C. § 292(a) by marking or causing to be marked each unit of the Dive Performance watch and/or its accompanying instruction booklet with the '964 Patent since January 11, 2008 for the purpose of deceiving the public.

**COUNT LXXIII  
THE '964 PATENT**

**FALSE MARKING OF  
DIVE CHRONOGRAPH WATCH**

489. Plaintiff/Relator incorporates the allegations of the foregoing paragraphs as though set forth at length herein.

490. Timex manufactures and sells a product identified as the Dive Chronograph watch, and sells each unit thereof, together with an accompanying instruction booklet, to the general consuming public throughout the United States.

491. Since January 11, 2008, Timex has marked and continues to mark each unit of the Dive Chronograph watch and/or its accompanying instruction booklet with the '964 Patent.

492. Because the '964 Patent expired on January 11, 2008, none of Timex's units of the Dive Chronograph watch manufactured and sold since that date has been covered by the '964 Patent.

493. Timex knows or reasonably should know that each unit of the Dive Chronograph watch it has manufactured and sold since January 11, 2008 was not covered by the '964 Patent.

494. Timex has violated 35 U.S.C. § 292(a) by marking or causing to be marked each unit of the Dive Chronograph watch and/or its accompanying instruction booklet with the '964 Patent since January 11, 2008 for the purpose of deceiving the public.

**COUNT LXXIV  
THE '964 PATENT**

**FALSE MARKING OF  
EASY TRAINER HRM WATCH**

495. Plaintiff/Relator incorporates the allegations of the foregoing paragraphs as though set forth at length herein.

496. Timex manufactures and sells a product identified as the Easy Trainer HRM watch, and sells each unit thereof, together with an accompanying instruction booklet, to the general consuming public throughout the United States.

497. Since January 11, 2008, Timex has marked and continues to mark each unit of the Easy Trainer HRM watch and/or its accompanying instruction booklet with the '964 Patent.

498. Because the '964 Patent expired on January 11, 2008, none of Timex's units of the Easy Trainer HRM watch manufactured and sold since that date has been covered by the '964 Patent.

499. Timex knows or reasonably should know that each unit of the Easy Trainer HRM watch it has manufactured and sold since January 11, 2008 was not covered by the '964 Patent.

500. Timex has violated 35 U.S.C. § 292(a) by marking or causing to be marked each unit of the Easy Trainer HRM watch and/or its accompanying instruction booklet with the '964 Patent since January 11, 2008 for the purpose of deceiving the public.

**COUNT LXXV  
THE '964 PATENT**

**FALSE MARKING OF  
E-COMPASS WATCH**

501. Plaintiff/Relator incorporates the allegations of the foregoing paragraphs as though set forth at length herein.

502. Timex manufactures and sells a product identified as the E-Compass watch, and sells each unit thereof, together with an accompanying instruction booklet, to the general consuming public throughout the United States.

503. Since January 11, 2008, Timex has marked and continues to mark each unit of the E-Compass watch and/or its accompanying instruction booklet with the '964 Patent.

504. Because the '964 Patent expired on January 11, 2008, none of Timex's units of the E-Compass watch manufactured and sold since that date has been covered by the '964 Patent.

505. Timex knows or reasonably should know that each unit of the E-Compass watch it has manufactured and sold since January 11, 2008 was not covered by the '964 Patent.

506. Timex has violated 35 U.S.C. § 292(a) by marking or causing to be marked each unit of the E-Compass watch and/or its accompanying instruction booklet with the '964 Patent since January 11, 2008 for the purpose of deceiving the public.

**COUNT LXXVI  
THE '964 PATENT**

**FALSE MARKING OF  
E-TIDE TEMP WATCH**

507. Plaintiff/Relator incorporates the allegations of the foregoing paragraphs as though set forth at length herein.

508. Timex manufactures and sells a product identified as the E-Tide Temp watch, and sells each unit thereof, together with an accompanying instruction booklet, to the general consuming public throughout the United States.

509. Since January 11, 2008, Timex has marked and continues to mark each unit of the E-Tide Temp watch and/or its accompanying instruction booklet with the '964 Patent.

510. Because the '964 Patent expired on January 11, 2008, none of Timex's units of the E-Tide Temp watch manufactured and sold since that date has been covered by the '964 Patent.

511. Timex knows or reasonably should know that each unit of the E-Tide Temp watch it has manufactured and sold since January 11, 2008 was not covered by the '964 Patent.

512. Timex has violated 35 U.S.C. § 292(a) by marking or causing to be marked each unit of the E-Tide Temp watch and/or its accompanying instruction booklet with the '964 Patent since January 11, 2008 for the purpose of deceiving the public.

**COUNT LXXVII  
THE '964 PATENT**

**FALSE MARKING OF  
E-TIDE TEMP COMPASS WATCH**

513. Plaintiff/Relator incorporates the allegations of the foregoing paragraphs as though set forth at length herein.

514. Timex manufactures and sells a product identified as the E-Tide Temp Compass watch, and sells each unit thereof, together with an accompanying instruction booklet, to the general consuming public throughout the United States.

515. Since January 11, 2008, Timex has marked and continues to mark each unit of the E-Tide Temp Compass watch and/or its accompanying instruction booklet with the '964 Patent.

516. Because the '964 Patent expired on January 11, 2008, none of Timex's units of the E-Tide Temp Compass watch manufactured and sold since that date has been covered by the '964 Patent.

517. Timex knows or reasonably should know that each unit of the E-Tide Temp Compass watch it has manufactured and sold since January 11, 2008 was not covered by the '964 Patent.

518. Timex has violated 35 U.S.C. § 292(a) by marking or causing to be marked each unit of the E-Tide Temp Compass watch and/or its accompanying instruction booklet with the '964 Patent since January 11, 2008 for the purpose of deceiving the public.

**COUNT LXXVIII  
THE '964 PATENT**

**FALSE MARKING OF  
EXPEDITION WATCH**

519. Plaintiff/Relator incorporates the allegations of the foregoing paragraphs as though set forth at length herein.

520. Timex manufactures and sells a product identified as the Expedition watch, and sells each unit thereof, together with an accompanying instruction booklet, to the general consuming public throughout the United States.

521. Since January 11, 2008, Timex has marked and continues to mark each unit of the Expedition watch and/or its accompanying instruction booklet with the '964 Patent.

522. Because the '964 Patent expired on January 11, 2008, none of Timex's units of the Expedition watch manufactured and sold since that date has been covered by the '964 Patent.

523. Timex knows or reasonably should know that each unit of the Expedition watch it has manufactured and sold since January 11, 2008 was not covered by the '964 Patent.

524. Timex has violated 35 U.S.C. § 292(a) by marking or causing to be marked each unit of the Expedition watch and/or its accompanying instruction booklet with the '964 Patent since January 11, 2008 for the purpose of deceiving the public.

**COUNT LXXIX  
THE '964 PATENT**

**FALSE MARKING OF  
HANDHELD STOPWATCH**

525. Plaintiff/Relator incorporates the allegations of the foregoing paragraphs as though set forth at length herein.

526. Timex manufactures and sells a product identified as the Handheld Stop, and sells each unit thereof, together with an accompanying instruction booklet, to the general consuming public throughout the United States.

527. Since January 11, 2008, Timex has marked and continues to mark each unit of the Handheld Stopwatch and/or its accompanying instruction booklet with the '964 Patent.

528. Because the '964 Patent expired on January 11, 2008, none of Timex's units of the Handheld Stopwatch manufactured and sold since that date has been covered by the '964 Patent.

529. Timex knows or reasonably should know that each unit of the Handheld Stopwatch it has manufactured and sold since January 11, 2008 was not covered by the '964 Patent.

530. Timex has violated 35 U.S.C. § 292(a) by marking or causing to be marked each unit of the Handheld Stopwatch and/or its accompanying instruction booklet with the '964 Patent since January 11, 2008 for the purpose of deceiving the public.

**COUNT LXXX**  
**THE '964 PATENT**

**FALSE MARKING OF**  
**HUMVEE WATCH**

531. Plaintiff/Relator incorporates the allegations of the foregoing paragraphs as though set forth at length herein.

532. Timex manufactures and sells a product identified as the Humvee watch, and sells each unit thereof, together with an accompanying instruction booklet, to the general consuming public throughout the United States.

533. Since January 11, 2008, Timex has marked and continues to mark each unit of the Humvee watch and/or its accompanying instruction booklet with the '964 Patent.

534. Because the '964 Patent expired on January 11, 2008, none of Timex's units of the Humvee watch manufactured and sold since that date has been covered by the '964 Patent.

535. Timex knows or reasonably should know that each unit of the Humvee watch it has manufactured and sold since January 11, 2008 was not covered by the '964 Patent.

536. Timex has violated 35 U.S.C. § 292(a) by marking or causing to be marked each unit of the Humvee watch and/or its accompanying instruction booklet with the '964 Patent since January 11, 2008 for the purpose of deceiving the public.

**COUNT LXXXI  
THE '964 PATENT**

**FALSE MARKING OF  
iCONTROL WATCH**

537. Plaintiff/Relator incorporates the allegations of the foregoing paragraphs as though set forth at length herein.

538. Timex manufactures and sells a product identified as the iControl watch, and sells each unit thereof, together with an accompanying instruction booklet, to the general consuming public throughout the United States.

539. Since January 11, 2008, Timex has marked and continues to mark each unit of the iControl watch and/or its accompanying instruction booklet with the '964 Patent.

540. Because the '964 Patent expired on January 11, 2008, none of Timex's units of the iControl watch manufactured and sold since that date has been covered by the '964 Patent.

541. Timex knows or reasonably should know that each unit of the iControl watch it has manufactured and sold since January 11, 2008 was not covered by the '964 Patent.

542. Timex has violated 35 U.S.C. § 292(a) by marking or causing to be marked each unit of the iControl watch and/or its accompanying instruction booklet with the '964 Patent since January 11, 2008 for the purpose of deceiving the public.

**COUNT LXXXII  
THE '964 PATENT**

**FALSE MARKING OF  
IRON KIDS WATCH**

543. Plaintiff/Relator incorporates the allegations of the foregoing paragraphs as though set forth at length herein.

544. Timex manufactures and sells a product identified as the Iron Kids watch, and sells each unit thereof, together with an accompanying instruction booklet, to the general consuming public throughout the United States.

545. Since January 11, 2008, Timex has marked and continues to mark each unit of the Iron Kids watch and/or its accompanying instruction booklet with the '964 Patent.

546. Because the '964 Patent expired on January 11, 2008, none of Timex's units of the Iron Kids watch manufactured and sold since that date has been covered by the '964 Patent.

547. Timex knows or reasonably should know that each unit of the Iron Kids watch it has manufactured and sold since January 11, 2008 was not covered by the '964 Patent.

548. Timex has violated 35 U.S.C. § 292(a) by marking or causing to be marked each unit of the Iron Kids watch and/or its accompanying instruction booklet with the '964 Patent since January 11, 2008 for the purpose of deceiving the public.

**COUNT LXXXIII  
THE '964 PATENT**

**FALSE MARKING OF  
IRONMAN COMBO (LARGE DIGITAL DISPLAY) WATCH**

549. Plaintiff/Relator incorporates the allegations of the foregoing paragraphs as though set forth at length herein.

550. Timex manufactures and sells a product identified as the Ironman Combo (large digital display) watch, and sells each unit thereof, together with an accompanying instruction booklet, to the general consuming public throughout the United States.

551. Since January 11, 2008, Timex has marked and continues to mark each unit of the Ironman Combo (large digital display) watch and/or its accompanying instruction booklet with the '964 Patent.

552. Because the '964 Patent expired on January 11, 2008, none of Timex's units of the Ironman Combo (large digital display) watch manufactured and sold since that date has been covered by the '964 Patent.

553. Timex knows or reasonably should know that each unit of the Ironman Combo (large digital display) watch it has manufactured and sold since January 11, 2008 was not covered by the '964 Patent.

554. Timex has violated 35 U.S.C. § 292(a) by marking or causing to be marked each unit of the Ironman Combo (large digital display) watch and/or its accompanying instruction booklet with the '964 Patent since January 11, 2008 for the purpose of deceiving the public.

**COUNT LXXXIV  
THE '964 PATENT**

**FALSE MARKING OF  
IRONMAN DRESS CHRONOGRAPH WATCH**

555. Plaintiff/Relator incorporates the allegations of the foregoing paragraphs as though set forth at length herein.

556. Timex manufactures and sells a product identified as the Ironman Dress Chronograph watch, and sells each unit thereof, together with an accompanying instruction booklet, to the general consuming public throughout the United States.

557. Since January 11, 2008, Timex has marked and continues to mark each unit of the Ironman Dress Chronograph watch and/or its accompanying instruction booklet with the '964 Patent.

558. Because the '964 Patent expired on January 11, 2008, none of Timex's units of the Ironman Dress Chronograph watch manufactured and sold since that date has been covered by the '964 Patent.

559. Timex knows or reasonably should know that each unit of the Ironman Dress Chronograph watch it has manufactured and sold since January 11, 2008 was not covered by the '964 Patent.

560. Timex has violated 35 U.S.C. § 292(a) by marking or causing to be marked each unit of the Ironman Dress Chronograph watch and/or its accompanying instruction booklet with the '964 Patent since January 11, 2008 for the purpose of deceiving the public.

**COUNT LXXXV  
THE '964 PATENT**

**FALSE MARKING OF  
IRONMAN TRIATHLON 100-LAP WATCH**

561. Plaintiff/Relator incorporates the allegations of the foregoing paragraphs as though set forth at length herein.

562. Timex manufactures and sells a product identified as the Ironman Triathlon 100-Lap watch, and sells each unit thereof, together with an accompanying instruction booklet, to the general consuming public throughout the United States.

563. Since January 11, 2008, Timex has marked and continues to mark each unit of the Ironman Triathlon 100-Lap watch and/or its accompanying instruction booklet with the '964 Patent.

564. Because the '964 Patent expired on January 11, 2008, none of Timex's units of the Ironman Triathlon 100-Lap watch manufactured and sold since that date has been covered by the '964 Patent.

565. Timex knows or reasonably should know that each unit of the Ironman Triathlon 100-Lap watch it has manufactured and sold since January 11, 2008 was not covered by the '964 Patent.

566. Timex has violated 35 U.S.C. § 292(a) by marking or causing to be marked each unit of the Ironman Triathlon 100-Lap watch and/or its accompanying instruction booklet with the '964 Patent since January 11, 2008 for the purpose of deceiving the public.

**COUNT LXXXVI  
THE '964 PATENT**

**FALSE MARKING OF  
IRONMAN TRIATHLON 10-LAP WATCH**

567. Plaintiff/Relator incorporates the allegations of the foregoing paragraphs as though set forth at length herein.

568. Timex manufactures and sells a product identified as the Ironman Triathlon 10-Lap watch, and sells each unit thereof, together with an accompanying instruction booklet, to the general consuming public throughout the United States.

569. Since January 11, 2008, Timex has marked and continues to mark each unit of the Ironman Triathlon 10-Lap watch and/or its accompanying instruction booklet with the '964 Patent.

570. Because the '964 Patent expired on January 11, 2008, none of Timex's units of the Ironman Triathlon 10-Lap watch manufactured and sold since that date has been covered by the '964 Patent.

571. Timex knows or reasonably should know that each unit of the Ironman Triathlon 10-Lap watch it has manufactured and sold since January 11, 2008 was not covered by the '964 Patent.

572. Timex has violated 35 U.S.C. § 292(a) by marking or causing to be marked each unit of the Ironman Triathlon 10-Lap watch and/or its accompanying instruction booklet with the '964 Patent since January 11, 2008 for the purpose of deceiving the public.

**COUNT LXXXVII  
THE '964 PATENT**

**FALSE MARKING OF  
IRONMAN TRIATHLON 150-LAP WATCH**

573. Plaintiff/Relator incorporates the allegations of the foregoing paragraphs as though set forth at length herein.

574. Timex manufactures and sells a product identified as the Ironman Triathlon 150-Lap watch, and sells each unit thereof, together with an accompanying instruction booklet, to the general consuming public throughout the United States.

575. Since January 11, 2008, Timex has marked and continues to mark each unit of the Ironman Triathlon 150-Lap watch and/or its accompanying instruction booklet with the '964 Patent.

576. Because the '964 Patent expired on January 11, 2008, none of Timex's units of the Ironman Triathlon 150-Lap watch manufactured and sold since that date has been covered by the '964 Patent.

577. Timex knows or reasonably should know that each unit of the Ironman Triathlon 150-Lap watch it has manufactured and sold since January 11, 2008 was not covered by the '964 Patent.

578. Timex has violated 35 U.S.C. § 292(a) by marking or causing to be marked each unit of the Ironman Triathlon 150-Lap watch and/or its accompanying instruction booklet with the '964 Patent since January 11, 2008 for the purpose of deceiving the public.

**COUNT LXXXVIII  
THE '964 PATENT**

**FALSE MARKING OF  
IRONMAN TRIATHLON 30-LAP WATCH**

579. Plaintiff/Relator incorporates the allegations of the foregoing paragraphs as though set forth at length herein.

580. Timex manufactures and sells a product identified as the Ironman Triathlon 30-Lap watch, and sells each unit thereof, together with an accompanying instruction booklet, to the general consuming public throughout the United States.

581. Since January 11, 2008, Timex has marked and continues to mark each unit of the Ironman Triathlon 30-Lap watch and/or its accompanying instruction booklet with the '964 Patent.

582. Because the '964 Patent expired on January 11, 2008, none of Timex's units of the Ironman Triathlon 30-Lap watch manufactured and sold since that date has been covered by the '964 Patent.

583. Timex knows or reasonably should know that each unit of the Ironman Triathlon 30-Lap watch it has manufactured and sold since January 11, 2008 was not covered by the '964 Patent.

584. Timex has violated 35 U.S.C. § 292(a) by marking or causing to be marked each unit of the Ironman Triathlon 30-Lap watch and/or its accompanying instruction booklet with the '964 Patent since January 11, 2008 for the purpose of deceiving the public.

**COUNT LXXXIX  
THE '964 PATENT**

**FALSE MARKING OF  
IRONMAN TRIATHLON 30-LAP WITH FLIX WATCH**

585. Plaintiff/Relator incorporates the allegations of the foregoing paragraphs as though set forth at length herein.

586. Timex manufactures and sells a product identified as the Ironman Triathlon 30-Lap With FLIX watch, and sells each unit thereof, together with an accompanying instruction booklet, to the general consuming public throughout the United States.

587. Since January 11, 2008, Timex has marked and continues to mark each unit of the Ironman Triathlon 30-Lap With FLIX watch and/or its accompanying instruction booklet with the '964 Patent.

588. Because the '964 Patent expired on January 11, 2008, none of Timex's units of the Ironman Triathlon 30-Lap With FLIX watch manufactured and sold since that date has been covered by the '964 Patent.

589. Timex knows or reasonably should know that each unit of the Ironman Triathlon 30-Lap With FLIX watch it has manufactured and sold since January 11, 2008 was not covered by the '964 Patent.

590. Timex has violated 35 U.S.C. § 292(a) by marking or causing to be marked each unit of the Ironman Triathlon 30-Lap With FLIX watch and/or its accompanying instruction booklet with the '964 Patent since January 11, 2008 for the purpose of deceiving the public.

**COUNT XC  
THE '964 PATENT**

**FALSE MARKING OF  
IRONMAN TRIATHLON 50-LAP WATCH**

591. Plaintiff/Relator incorporates the allegations of the foregoing paragraphs as though set forth at length herein.

592. Timex manufactures and sells a product identified as the Ironman Triathlon 50-Lap watch, and sells each unit thereof, together with an accompanying instruction booklet, to the general consuming public throughout the United States.

593. Since January 11, 2008, Timex has marked and continues to mark each unit of the Ironman Triathlon 50-Lap watch and/or its accompanying instruction booklet with the '964 Patent.

594. Because the '964 Patent expired on January 11, 2008, none of Timex's units of the Ironman Triathlon 50-Lap watch manufactured and sold since that date has been covered by the '964 Patent.

595. Timex knows or reasonably should know that each unit of the Ironman Triathlon 50-Lap watch it has manufactured and sold since January 11, 2008 was not covered by the '964 Patent.

596. Timex has violated 35 U.S.C. § 292(a) by marking or causing to be marked each unit of the Ironman Triathlon 50-Lap watch and/or its accompanying instruction booklet with the '964 Patent since January 11, 2008 for the purpose of deceiving the public.

**COUNT XCI  
THE '964 PATENT**

**FALSE MARKING OF  
IRONMAN TRIATHLON 50-LAP SLEEK WATCH**

597. Plaintiff/Relator incorporates the allegations of the foregoing paragraphs as though set forth at length herein.

598. Timex manufactures and sells a product identified as the Ironman Triathlon 50-Lap Sleek watch, and sells each unit thereof, together with an accompanying instruction booklet, to the general consuming public throughout the United States.

599. Since January 11, 2008, Timex has marked and continues to mark each unit of the Ironman Triathlon 50-Lap Sleek watch and/or its accompanying instruction booklet with the '964 Patent.

600. Because the '964 Patent expired on January 11, 2008, none of Timex's units of the Ironman Triathlon 50-Lap Sleek watch manufactured and sold since that date has been covered by the '964 Patent.

601. Timex knows or reasonably should know that each unit of the Ironman Triathlon 50-Lap Sleek watch it has manufactured and sold since January 11, 2008 was not covered by the '964 Patent.

602. Timex has violated 35 U.S.C. § 292(a) by marking or causing to be marked each unit of the Ironman Triathlon 50-Lap Sleek watch and/or its accompanying instruction booklet with the '964 Patent since January 11, 2008 for the purpose of deceiving the public.

**COUNT XCII  
THE '964 PATENT**

**FALSE MARKING OF  
IRONMAN TRIATHLON 50-LAP SOLAR DUAL-TECH WATCH**

603. Plaintiff/Relator incorporates the allegations of the foregoing paragraphs as though set forth at length herein.

604. Timex manufactures and sells a product identified as the Ironman Triathlon 50-Lap Solar Dual-Tech watch, and sells each unit thereof, together with an accompanying instruction booklet, to the general consuming public throughout the United States.

605. Since January 11, 2008, Timex has marked and continues to mark each unit of the Ironman Triathlon 50-Lap Solar Dual-Tech watch and/or its accompanying instruction booklet with the '964 Patent.

606. Because the '964 Patent expired on January 11, 2008, none of Timex's units of the Ironman Triathlon 50-Lap Solar Dual-Tech watch manufactured and sold since that date has been covered by the '964 Patent.

607. Timex knows or reasonably should know that each unit of the Ironman Triathlon 50-Lap Solar Dual-Tech watch it has manufactured and sold since January 11, 2008 was not covered by the '964 Patent.

608. Timex has violated 35 U.S.C. § 292(a) by marking or causing to be marked each unit of the Ironman Triathlon 50-Lap Solar Dual-Tech watch and/or its accompanying instruction booklet with the '964 Patent since January 11, 2008 for the purpose of deceiving the public.

**COUNT XCIII  
THE '964 PATENT**

**FALSE MARKING OF  
IRONMAN TRIATHLON 50-LAP SOLAR SHOCK WATCH**

609. Plaintiff/Relator incorporates the allegations of the foregoing paragraphs as though set forth at length herein.

610. Timex manufactures and sells a product identified as the Ironman Triathlon 50-Lap Solar Shock watch, and sells each unit thereof, together with an accompanying instruction booklet, to the general consuming public throughout the United States.

611. Since January 11, 2008, Timex has marked and continues to mark each unit of the Ironman Triathlon 50-Lap Solar Shock watch and/or its accompanying instruction booklet with the '964 Patent.

612. Because the '964 Patent expired on January 11, 2008, none of Timex's units of the Ironman Triathlon 50-Lap Solar Shock watch manufactured and sold since that date has been covered by the '964 Patent.

613. Timex knows or reasonably should know that each unit of the Ironman Triathlon 50-Lap Solar Shock watch it has manufactured and sold since January 11, 2008 was not covered by the '964 Patent.

614. Timex has violated 35 U.S.C. § 292(a) by marking or causing to be marked each unit of the Ironman Triathlon 50-Lap Solar Shock watch and/or its accompanying instruction booklet with the '964 Patent since January 11, 2008 for the purpose of deceiving the public.

**COUNT XCIV  
THE '964 PATENT**

**FALSE MARKING OF  
IRONMAN TRIATHLON 75-LAP SLEEK (OVA) WATCH**

615. Plaintiff/Relator incorporates the allegations of the foregoing paragraphs as though set forth at length herein.

616. Timex manufactures and sells a product identified as the Ironman Triathlon 75-Lap Sleek (OVA) watch, and sells each unit thereof, together with an accompanying instruction booklet, to the general consuming public throughout the United States.

617. Since January 11, 2008, Timex has marked and continues to mark each unit of the Ironman Triathlon 75-Lap Sleek (OVA) watch and/or its accompanying instruction booklet with the '964 Patent.

618. Because the '964 Patent expired on January 11, 2008, none of Timex's units of the Ironman Triathlon 75-Lap Sleek (OVA) watch manufactured and sold since that date has been covered by the '964 Patent.

619. Timex knows or reasonably should know that each unit of the Ironman Triathlon 75-Lap Sleek (OVA) watch it has manufactured and sold since January 11, 2008 was not covered by the '964 Patent.

620. Timex has violated 35 U.S.C. § 292(a) by marking or causing to be marked each unit of the Ironman Triathlon 75-Lap Sleek (OVA) watch and/or its accompanying instruction booklet with the '964 Patent since January 11, 2008 for the purpose of deceiving the public.

**COUNT XCV  
THE '964 PATENT**

**FALSE MARKING OF  
IRONMAN TRIATHLON 8-LAP WATCH**

621. Plaintiff/Relator incorporates the allegations of the foregoing paragraphs as though set forth at length herein.

622. Timex manufactures and sells a product identified as the Ironman Triathlon 8-Lap watch, and sells each unit thereof, together with an accompanying instruction booklet, to the general consuming public throughout the United States.

623. Since January 11, 2008, Timex has marked and continues to mark each unit of the Ironman Triathlon 8-Lap watch and/or its accompanying instruction booklet with the '964 Patent.

624. Because the '964 Patent expired on January 11, 2008, none of Timex's units of the Ironman Triathlon 8-Lap watch manufactured and sold since that date has been covered by the '964 Patent.

625. Timex knows or reasonably should know that each unit of the Ironman Triathlon 8-Lap watch it has manufactured and sold since January 11, 2008 was not covered by the '964 Patent.

626. Timex has violated 35 U.S.C. § 292(a) by marking or causing to be marked each unit of the Ironman Triathlon 8-Lap watch and/or its accompanying instruction booklet with the '964 Patent since January 11, 2008 for the purpose of deceiving the public.

**COUNT XCVI  
THE '964 PATENT**

**FALSE MARKING OF  
MARATHON WATCH**

627. Plaintiff/Relator incorporates the allegations of the foregoing paragraphs as though set forth at length herein.

628. Timex manufactures and sells a product identified as the Marathon watch, and sells each unit thereof, together with an accompanying instruction booklet, to the general consuming public throughout the United States.

629. Since January 11, 2008, Timex has marked and continues to mark each unit of the Marathon watch and/or its accompanying instruction booklet with the '964 Patent.

630. Because the '964 Patent expired on January 11, 2008, none of Timex's units of the Marathon watch manufactured and sold since that date has been covered by the '964 Patent.

631. Timex knows or reasonably should know that each unit of the Marathon watch it has manufactured and sold since January 11, 2008 was not covered by the '964 Patent.

632. Timex has violated 35 U.S.C. § 292(a) by marking or causing to be marked each unit of the Marathon watch and/or its accompanying instruction booklet with the '964 Patent since January 11, 2008 for the purpose of deceiving the public.

**COUNT XCVII  
THE '964 PATENT**

**FALSE MARKING OF  
PERPETUAL CALENDAR WATCH**

633. Plaintiff/Relator incorporates the allegations of the foregoing paragraphs as though set forth at length herein.

634. Timex manufactures and sells a product identified as the Perpetual Calendar watch, and sells each unit thereof, together with an accompanying instruction booklet, to the general consuming public throughout the United States.

635. Since January 11, 2008, Timex has marked and continues to mark each unit of the Perpetual Calendar watch and/or its accompanying instruction booklet with the '964 Patent.

636. Because the '964 Patent expired on January 11, 2008, none of Timex's units of the Perpetual Calendar watch manufactured and sold since that date has been covered by the '964 Patent.

637. Timex knows or reasonably should know that each unit of the Perpetual Calendar watch it has manufactured and sold since January 11, 2008 was not covered by the '964 Patent.

638. Timex has violated 35 U.S.C. § 292(a) by marking or causing to be marked each unit of the Perpetual Calendar watch and/or its accompanying instruction booklet with the '964 Patent since January 11, 2008 for the purpose of deceiving the public.

**COUNT XCVIII  
THE '964 PATENT**

**FALSE MARKING OF  
PERSONAL TRAINER HRM WATCH**

639. Plaintiff/Relator incorporates the allegations of the foregoing paragraphs as though set forth at length herein.

640. Timex manufactures and sells a product identified as the Personal Trainer HRM watch, and sells each unit thereof, together with an accompanying instruction booklet, to the general consuming public throughout the United States.

641. Since January 11, 2008, Timex has marked and continues to mark each unit of the Personal Trainer HRM watch and/or its accompanying instruction booklet with the '964 Patent.

642. Because the '964 Patent expired on January 11, 2008, none of Timex's units of the Personal Trainer HRM watch manufactured and sold since that date has been covered by the '964 Patent.

643. Timex knows or reasonably should know that each unit of the Personal Trainer HRM watch it has manufactured and sold since January 11, 2008 was not covered by the '964 Patent.

644. Timex has violated 35 U.S.C. § 292(a) by marking or causing to be marked each unit of the Personal Trainer HRM watch and/or its accompanying instruction booklet with the '964 Patent since January 11, 2008 for the purpose of deceiving the public.

**COUNT XCIX  
THE '964 PATENT**

**FALSE MARKING OF  
PULSE TIMING ANALOG WATCH**

645. Plaintiff/Relator incorporates the allegations of the foregoing paragraphs as though set forth at length herein.

646. Timex manufactures and sells a product identified as the Pulse Timing Analog watch, and sells each unit thereof, together with an accompanying instruction booklet, to the general consuming public throughout the United States.

647. Since January 11, 2008, Timex has marked and continues to mark each unit of the Pulse Timing Analog watch and/or its accompanying instruction booklet with the '964 Patent.

648. Because the '964 Patent expired on January 11, 2008, none of Timex's units of the Pulse Timing Analog watch manufactured and sold since that date has been covered by the '964 Patent.

649. Timex knows or reasonably should know that each unit of the Pulse Timing Analog watch it has manufactured and sold since January 11, 2008 was not covered by the '964 Patent.

650. Timex has violated 35 U.S.C. § 292(a) by marking or causing to be marked each unit of the Pulse Timing Analog watch and/or its accompanying instruction booklet with the '964 Patent since January 11, 2008 for the purpose of deceiving the public.

**COUNT C  
THE '964 PATENT**

**FALSE MARKING OF  
RACE TRAINER HRM WATCH**

651. Plaintiff/Relator incorporates the allegations of the foregoing paragraphs as though set forth at length herein.

652. Timex manufactures and sells a product identified as the Race Trainer HRM watch, and sells each unit thereof, together with an accompanying instruction booklet, to the general consuming public throughout the United States.

653. Since January 11, 2008, Timex has marked and continues to mark each unit of the Race Trainer HRM watch and/or its accompanying instruction booklet with the '964 Patent.

654. Because the '964 Patent expired on January 11, 2008, none of Timex's units of the Race Trainer HRM watch manufactured and sold since that date has been covered by the '964 Patent.

655. Timex knows or reasonably should know that each unit of the Race Trainer HRM watch it has manufactured and sold since January 11, 2008 was not covered by the '964 Patent.

656. Timex has violated 35 U.S.C. § 292(a) by marking or causing to be marked each unit of the Race Trainer HRM watch and/or its accompanying instruction booklet with the '964 Patent since January 11, 2008 for the purpose of deceiving the public.

**COUNT CI  
THE '964 PATENT**

**FALSE MARKING OF  
REEF GEAR WATCH**

657. Plaintiff/Relator incorporates the allegations of the foregoing paragraphs as though set forth at length herein.

658. Timex manufactures and sells a product identified as the Reef Gear watch, and sells each unit thereof, together with an accompanying instruction booklet, to the general consuming public throughout the United States.

659. Since January 11, 2008, Timex has marked and continues to mark each unit of the Reef Gear watch and/or its accompanying instruction booklet with the '964 Patent.

660. Because the '964 Patent expired on January 11, 2008, none of Timex's units of the Reef Gear watch manufactured and sold since that date has been covered by the '964 Patent.

661. Timex knows or reasonably should know that each unit of the Reef Gear watch it has manufactured and sold since January 11, 2008 was not covered by the '964 Patent.

662. Timex has violated 35 U.S.C. § 292(a) by marking or causing to be marked each unit of the Reef Gear watch and/or its accompanying instruction booklet with the '964 Patent since January 11, 2008 for the purpose of deceiving the public.

**COUNT CII  
THE '964 PATENT**

**FALSE MARKING OF  
ROAD TRAINER HRM WATCH**

663. Plaintiff/Relator incorporates the allegations of the foregoing paragraphs as though set forth at length herein.

664. Timex manufactures and sells a product identified as the Road Trainer HRM watch, and sells each unit thereof, together with an accompanying instruction booklet, to the general consuming public throughout the United States.

665. Since January 11, 2008, Timex has marked and continues to mark each unit of the Road Trainer HRM watch and/or its accompanying instruction booklet with the '964 Patent.

666. Because the '964 Patent expired on January 11, 2008, none of Timex's units of the Road Trainer HRM watch manufactured and sold since that date has been covered by the '964 Patent.

667. Timex knows or reasonably should know that each unit of the Road Trainer HRM watch it has manufactured and sold since January 11, 2008 was not covered by the '964 Patent.

668. Timex has violated 35 U.S.C. § 292(a) by marking or causing to be marked each unit of the Road Trainer HRM watch and/or its accompanying instruction booklet with the '964 Patent since January 11, 2008 for the purpose of deceiving the public.

**COUNT CIII  
THE '964 PATENT**

**FALSE MARKING OF  
RUGGED FIELD AND TRAIL SERIES ANALOG WATCH**

669. Plaintiff/Relator incorporates the allegations of the foregoing paragraphs as though set forth at length herein.

670. Timex manufactures and sells a product identified as the Rugged Field and Trail Series Analog watch, and sells each unit thereof, together with an accompanying instruction booklet, to the general consuming public throughout the United States.

671. Since January 11, 2008, Timex has marked and continues to mark each unit of the Rugged Field and Trail Series Analog watch and/or its accompanying instruction booklet with the '964 Patent.

672. Because the '964 Patent expired on January 11, 2008, none of Timex's units of the Rugged Field and Trail Series Analog watch manufactured and sold since that date has been covered by the '964 Patent.

673. Timex knows or reasonably should know that each unit of the Rugged Field and Trail Series Analog watch it has manufactured and sold since January 11, 2008 was not covered by the '964 Patent.

674. Timex has violated 35 U.S.C. § 292(a) by marking or causing to be marked each unit of the Rugged Field and Trail Series Analog watch and/or its accompanying instruction booklet with the '964 Patent since January 11, 2008 for the purpose of deceiving the public.

**COUNT CIV  
THE '964 PATENT**

**FALSE MARKING OF  
RUGGED FIELD AND TRAIL SERIES CHRONOGRAPH WATCH**

675. Plaintiff/Relator incorporates the allegations of the foregoing paragraphs as though set forth at length herein.

676. Timex manufactures and sells a product identified as the Rugged Field and Trail Series Chronograph watch, and sells each unit thereof, together with an accompanying instruction booklet, to the general consuming public throughout the United States.

677. Since January 11, 2008, Timex has marked and continues to mark each unit of the Rugged Field and Trail Series Chronograph watch and/or its accompanying instruction booklet with the '964 Patent.

678. Because the '964 Patent expired on January 11, 2008, none of Timex's units of the Rugged Field and Trail Series Chronograph watch manufactured and sold since that date has been covered by the '964 Patent.

679. Timex knows or reasonably should know that each unit of the Rugged Field and Trail Series Chronograph watch it has manufactured and sold since January 11, 2008 was not covered by the '964 Patent.

680. Timex has violated 35 U.S.C. § 292(a) by marking or causing to be marked each unit of the Rugged Field and Trail Series Chronograph watch and/or its accompanying instruction booklet with the '964 Patent since January 11, 2008 for the purpose of deceiving the public.

**COUNT CV  
THE '964 PATENT**

**FALSE MARKING OF  
STEALTH WATCH**

681. Plaintiff/Relator incorporates the allegations of the foregoing paragraphs as though set forth at length herein.

682. Timex manufactures and sells a product identified as the Stealth watch, and sells each unit thereof, together with an accompanying instruction booklet, to the general consuming public throughout the United States.

683. Since January 11, 2008, Timex has marked and continues to mark each unit of the Stealth watch and/or its accompanying instruction booklet with the '964 Patent.

684. Because the '964 Patent expired on January 11, 2008, none of Timex's units of the Stealth watch manufactured and sold since that date has been covered by the '964 Patent.

685. Timex knows or reasonably should know that each unit of the Stealth watch it has manufactured and sold since January 11, 2008 was not covered by the '964 Patent.

686. Timex has violated 35 U.S.C. § 292(a) by marking or causing to be marked each unit of the Stealth watch and/or its accompanying instruction booklet with the '964 Patent since January 11, 2008 for the purpose of deceiving the public.

**COUNT CVI  
THE '964 PATENT**

**FALSE MARKING OF  
TARGET TRAINER HRM WATCH**

687. Plaintiff/Relator incorporates the allegations of the foregoing paragraphs as though set forth at length herein.

688. Timex manufactures and sells a product identified as the Target Trainer HRM watch, and sells each unit thereof, together with an accompanying instruction booklet, to the general consuming public throughout the United States.

689. Since January 11, 2008, Timex has marked and continues to mark each unit of the Target Trainer HRM watch and/or its accompanying instruction booklet with the '964 Patent.

690. Because the '964 Patent expired on January 11, 2008, none of Timex's units of the Target Trainer HRM watch manufactured and sold since that date has been covered by the '964 Patent.

691. Timex knows or reasonably should know that each unit of the Target Trainer HRM watch it has manufactured and sold since January 11, 2008 was not covered by the '964 Patent.

692. Timex has violated 35 U.S.C. § 292(a) by marking or causing to be marked each unit of the Target Trainer HRM watch and/or its accompanying instruction booklet with the '964 Patent since January 11, 2008 for the purpose of deceiving the public.

**COUNT CVII  
THE '964 PATENT**

**FALSE MARKING OF  
TIME TEACHER ANALOG WATCH**

693. Plaintiff/Relator incorporates the allegations of the foregoing paragraphs as though set forth at length herein.

694. Timex manufactures and sells a product identified as the Time Teacher Analog watch, and sells each unit thereof, together with an accompanying instruction booklet, to the general consuming public throughout the United States.

695. Since January 11, 2008, Timex has marked and continues to mark each unit of the Time Teacher Analog watch and/or its accompanying instruction booklet with the '964 Patent.

696. Because the '964 Patent expired on January 11, 2008, none of Timex's units of the Time Teacher Analog watch manufactured and sold since that date has been covered by the '964 Patent.

697. Timex knows or reasonably should know that each unit of the Time Teacher Analog watch it has manufactured and sold since January 11, 2008 was not covered by the '964 Patent.

698. Timex has violated 35 U.S.C. § 292(a) by marking or causing to be marked each unit of the Time Teacher Analog watch and/or its accompanying instruction booklet with the '964 Patent since January 11, 2008 for the purpose of deceiving the public.

**COUNT CVIII  
THE '964 PATENT**

**FALSE MARKING OF  
TIME TEACHER DIGITAL WATCH**

699. Plaintiff/Relator incorporates the allegations of the foregoing paragraphs as though set forth at length herein.

700. Timex manufactures and sells a product identified as the Time Teacher Digital watch, and sells each unit thereof, together with an accompanying instruction booklet, to the general consuming public throughout the United States.

701. Since January 11, 2008, Timex has marked and continues to mark each unit of the Time Teacher Digital watch and/or its accompanying instruction booklet with the '964 Patent.

702. Because the '964 Patent expired on January 11, 2008, none of Timex's units of the Time Teacher Digital watch manufactured and sold since that date has been covered by the '964 Patent.

703. Timex knows or reasonably should know that each unit of the Time Teacher Digital watch it has manufactured and sold since January 11, 2008 was not covered by the '964 Patent.

704. Timex has violated 35 U.S.C. § 292(a) by marking or causing to be marked each unit of the Time Teacher Digital watch and/or its accompanying instruction booklet with the '964 Patent since January 11, 2008 for the purpose of deceiving the public.

**COUNT CIX  
THE '964 PATENT**

**FALSE MARKING OF  
TMX WATCH**

705. Plaintiff/Relator incorporates the allegations of the foregoing paragraphs as though set forth at length herein.

706. Timex manufactures and sells a product identified as the TMX watch, and sells each unit thereof, together with an accompanying instruction booklet, to the general consuming public throughout the United States.

707. Since January 11, 2008, Timex has marked and continues to mark each unit of the TMX watch and/or its accompanying instruction booklet with the '964 Patent.

708. Because the '964 Patent expired on January 11, 2008, none of Timex's units of the TMX watch manufactured and sold since that date has been covered by the '964 Patent.

709. Timex knows or reasonably should know that each unit of the TMX watch it has manufactured and sold since January 11, 2008 was not covered by the '964 Patent.

710. Timex has violated 35 U.S.C. § 292(a) by marking or causing to be marked each unit of the TMX watch and/or its accompanying instruction booklet with the '964 Patent since January 11, 2008 for the purpose of deceiving the public.

**COUNT CX  
THE '964 PATENT**

**FALSE MARKING OF  
WOMEN'S FIELD WATCH**

711. Plaintiff/Relator incorporates the allegations of the foregoing paragraphs as though set forth at length herein.

712. Timex manufactures and sells a product identified as the Women's Field watch, and sells each unit thereof, together with an accompanying instruction booklet, to the general consuming public throughout the United States.

713. Since January 11, 2008, Timex has marked and continues to mark each unit of the Women's Field watch and/or its accompanying instruction booklet with the '964 Patent.

714. Because the '964 Patent expired on January 11, 2008, none of Timex's units of the Women's Field watch manufactured and sold since that date has been covered by the '964 Patent.

715. Timex knows or reasonably should know that each unit of the Women's Field watch it has manufactured and sold since January 11, 2008 was not covered by the '964 Patent.

716. Timex has violated 35 U.S.C. § 292(a) by marking or causing to be marked each unit of the Women's Field watch and/or its accompanying instruction booklet with the '964 Patent since January 11, 2008 for the purpose of deceiving the public.

**COUNT CXI  
THE '964 PATENT**

**FALSE MARKING OF  
ZONE TRAINER HRM WATCH**

717. Plaintiff/Relator incorporates the allegations of the foregoing paragraphs as though set forth at length herein.

718. Timex manufactures and sells a product identified as the Zone Trainer HRM watch, and sells each unit thereof, together with an accompanying instruction booklet, to the general consuming public throughout the United States.

719. Since January 11, 2008, Timex has marked and continues to mark each unit of the Zone Trainer HRM watch and/or its accompanying instruction booklet with the '964 Patent.

720. Because the '964 Patent expired on January 11, 2008, none of Timex's units of the Zone Trainer HRM watch manufactured and sold since that date has been covered by the '964 Patent.

721. Timex knows or reasonably should know that each unit of the Zone Trainer HRM watch it has manufactured and sold since January 11, 2008 was not covered by the '964 Patent.

722. Timex has violated 35 U.S.C. § 292(a) by marking or causing to be marked each unit of the Zone Trainer HRM watch and/or its accompanying instruction booklet with the '964 Patent since January 11, 2008 for the purpose of deceiving the public.

**COUNT CXII  
THE '964 PATENT**

**FALSE MARKING OF  
ZULU TIME WATCH**

723. Plaintiff/Relator incorporates the allegations of the foregoing paragraphs as though set forth at length herein.

724. Timex manufactures and sells a product identified as the Zulu Time watch, and sells each unit thereof, together with an accompanying instruction booklet, to the general consuming public throughout the United States.

725. Since January 11, 2008, Timex has marked and continues to mark each unit of the Zulu Time watch and/or its accompanying instruction booklet with the '964 Patent.

726. Because the '964 Patent expired on January 11, 2008, none of Timex's units of the Zulu Time watch manufactured and sold since that date has been covered by the '964 Patent.

727. Timex knows or reasonably should know that each unit of the Zulu Time watch it has manufactured and sold since January 11, 2008 was not covered by the '964 Patent.

728. Timex has violated 35 U.S.C. § 292(a) by marking or causing to be marked each unit of the Zulu Time watch and/or its accompanying instruction booklet with the '964 Patent since January 11, 2008 for the purpose of deceiving the public.

**COUNT CXIII  
THE '688 PATENT**

**FALSE MARKING OF  
1440 SPORTS WATCH**

729. Plaintiff/Relator incorporates the allegations of the foregoing paragraphs as though set forth at length herein.

730. Timex manufactures and sells a product identified as the 1440 Sports watch, and sells each unit thereof, together with an accompanying instruction booklet, to the general consuming public throughout the United States.

731. Since August 11, 2009, Timex has marked and continues to mark each unit of the 1440 Sports watch and/or its accompanying instruction booklet with the '688 Patent.

732. Because the '688 Patent expired on August 11, 2009, none of Timex's units of the 1440 Sports watch manufactured and sold since that date has been covered by the '688 Patent.

733. Timex knows or reasonably should know that each unit of the 1440 Sports watch it has manufactured and sold since August 11, 2009 was not covered by the '688 Patent.

734. Timex has violated 35 U.S.C. § 292(a) by marking or causing to be marked each unit of the 1440 Sports watch and/or its accompanying instruction booklet with the '688 Patent since August 11, 2009 for the purpose of deceiving the public.

**COUNT CXIV  
THE '688 PATENT**

**FALSE MARKING OF  
ADVENTURE TECH DIGITAL COMPASS**

735. Plaintiff/Relator incorporates the allegations of the foregoing paragraphs as though set forth at length herein.

736. Timex manufactures and sells a product identified as the Adventure Tech Digital Compass.

737. Since August 11, 2009, Timex has marked and continues to mark each unit of the Adventure Tech Digital Compass with the '688 Patent.

738. Because the '688 Patent expired on August 11, 2009, none of Timex's units of the Adventure Tech Digital Compass manufactured and sold since that date has been covered by the '688 Patent.

739. Timex knows or reasonably should know that each unit of the Adventure Tech Digital Compass it has manufactured and sold since August 11, 2009 was not covered by the '688 Patent.

740. Timex has violated 35 U.S.C. § 292(a) by marking or causing to be marked each unit of the Adventure Tech Digital Compass with the '688 Patent since August 11, 2009 for the purpose of deceiving the public.

**COUNT CXV  
THE '688 PATENT**

**FALSE MARKING OF  
ANALOG CHRONOGRAPH WATCH**

741. Plaintiff/Relator incorporates the allegations of the foregoing paragraphs as though set forth at length herein.

742. Timex manufactures and sells a product identified as the Analog Chronograph watch, and sells each unit thereof, together with an accompanying instruction booklet, to the general consuming public throughout the United States.

743. Since August 11, 2009, Timex has marked and continues to mark each unit of the Analog Chronograph watch and/or its accompanying instruction booklet with the '688 Patent.

744. Because the '688 Patent expired on August 11, 2009, none of Timex's units of the Analog Chronograph watch manufactured and sold since that date has been covered by the '688 Patent.

745. Timex knows or reasonably should know that each unit of the Analog Chronograph watch it has manufactured and sold since August 11, 2009 was not covered by the '688 Patent.

746. Timex has violated 35 U.S.C. § 292(a) by marking or causing to be marked each unit of the Analog Chronograph watch and/or its accompanying instruction booklet with the '688 Patent since August 11, 2009 for the purpose of deceiving the public.

**COUNT CXVI  
THE '688 PATENT**

**FALSE MARKING OF  
BODYLINK: MID-SIZE WATCH**

747. Plaintiff/Relator incorporates the allegations of the foregoing paragraphs as though set forth at length herein.

748. Timex manufactures and sells a product identified as the Bodylink: Mid-Size watch, and sells each unit thereof, together with an accompanying instruction booklet, to the general consuming public throughout the United States.

749. Since August 11, 2009, Timex has marked and continues to mark each unit of the Bodylink: Mid-Size watch and/or its accompanying instruction booklet with the '688 Patent.

750. Because the '688 Patent expired on August 11, 2009, none of Timex's units of the Bodylink: Mid-Size watch manufactured and sold since that date has been covered by the '688 Patent.

751. Timex knows or reasonably should know that each unit of the Bodylink: Mid-Size watch it has manufactured and sold since August 11, 2009 was not covered by the '688 Patent.

752. Timex has violated 35 U.S.C. § 292(a) by marking or causing to be marked each unit of the Bodylink: Mid-Size watch and/or its accompanying instruction booklet with the '688 Patent since August 11, 2009 for the purpose of deceiving the public.

**COUNT CXVII  
THE '688 PATENT**

**FALSE MARKING OF  
CHRONO/ALARM/TIMER WATCH**

753. Plaintiff/Relator incorporates the allegations of the foregoing paragraphs as though set forth at length herein.

754. Timex manufactures and sells a product identified as the Chrono/Alarm/Timer watch, and sells each unit thereof, together with an accompanying instruction booklet, to the general consuming public throughout the United States.

755. Since August 11, 2009, Timex has marked and continues to mark each unit of the Chrono/Alarm/Timer watch and/or its accompanying instruction booklet with the '688 Patent.

756. Because the '688 Patent expired on August 11, 2009, none of Timex's units of the Chrono/Alarm/Timer watch manufactured and sold since that date has been covered by the '688 Patent.

757. Timex knows or reasonably should know that each unit of the Chrono/Alarm/Timer watch it has manufactured and sold since August 11, 2009 was not covered by the '688 Patent.

758. Timex has violated 35 U.S.C. § 292(a) by marking or causing to be marked each unit of the Chrono/Alarm/Timer watch and/or its accompanying instruction booklet with the '688 Patent since August 11, 2009 for the purpose of deceiving the public.

**COUNT CXVIII  
THE '688 PATENT**

**FALSE MARKING OF  
DATA LINK USB WATCH**

759. Plaintiff/Relator incorporates the allegations of the foregoing paragraphs as though set forth at length herein.

760. Timex manufactures and sells a product identified as the Data Link USB watch, and sells each unit thereof, together with an accompanying instruction booklet, to the general consuming public throughout the United States.

761. Since August 11, 2009, Timex has marked and continues to mark each unit of the Data Link USB watch and/or its accompanying instruction booklet with the '688 Patent.

762. Because the '688 Patent expired on August 11, 2009, none of Timex's units of the Data Link USB watch manufactured and sold since that date has been covered by the '688 Patent.

763. Timex knows or reasonably should know that each unit of the Data Link USB watch it has manufactured and sold since August 11, 2009 was not covered by the '688 Patent.

764. Timex has violated 35 U.S.C. § 292(a) by marking or causing to be marked each unit of the Data Link USB watch and/or its accompanying instruction booklet with the '688 Patent since August 11, 2009 for the purpose of deceiving the public.

**COUNT CXIX  
THE '688 PATENT**

**FALSE MARKING OF  
DIGITAL COMPASS WATCH**

765. Plaintiff/Relator incorporates the allegations of the foregoing paragraphs as though set forth at length herein.

766. Timex manufactures and sells a product identified as the Digital Compass watch, and sells each unit thereof, together with an accompanying instruction booklet, to the general consuming public throughout the United States.

767. Since August 11, 2009, Timex has marked and continues to mark each unit of the Digital Compass watch and/or its accompanying instruction booklet with the '688 Patent.

768. Because the '688 Patent expired on August 11, 2009, none of Timex's units of the Digital Compass watch manufactured and sold since that date has been covered by the '688 Patent.

769. Timex knows or reasonably should know that each unit of the Digital Compass watch it has manufactured and sold since August 11, 2009 was not covered by the '688 Patent.

770. Timex has violated 35 U.S.C. § 292(a) by marking or causing to be marked each unit of the Digital Compass watch and/or its accompanying instruction booklet with the '688 Patent since August 11, 2009 for the purpose of deceiving the public.

**COUNT CXX  
THE '688 PATENT**

**FALSE MARKING OF  
DIGITAL-ANALOG COMBO WATCH**

771. Plaintiff/Relator incorporates the allegations of the foregoing paragraphs as though set forth at length herein.

772. Timex manufactures and sells a product identified as the Digital-Analog Combo watch, and sells each unit thereof, together with an accompanying instruction booklet, to the general consuming public throughout the United States.

773. Since August 11, 2009, Timex has marked and continues to mark each unit of the Digital-Analog Combo watch and/or its accompanying instruction booklet with the '688 Patent.

774. Because the '688 Patent expired on August 11, 2009, none of Timex's units of the Digital-Analog Combo watch manufactured and sold since that date has been covered by the '688 Patent.

775. Timex knows or reasonably should know that each unit of the Digital-Analog Combo watch it has manufactured and sold since August 11, 2009 was not covered by the '688 Patent.

776. Timex has violated 35 U.S.C. § 292(a) by marking or causing to be marked each unit of the Digital-Analog Combo watch and/or its accompanying instruction booklet with the '688 Patent since August 11, 2009 for the purpose of deceiving the public.

**COUNT CXXI  
THE '688 PATENT**

**FALSE MARKING OF  
DIVE CHRONOGRAPH WATCH**

777. Plaintiff/Relator incorporates the allegations of the foregoing paragraphs as though set forth at length herein.

778. Timex manufactures and sells a product identified as the Dive Chronograph watch, and sells each unit thereof, together with an accompanying instruction booklet, to the general consuming public throughout the United States.

779. Since August 11, 2009, Timex has marked and continues to mark each unit of the Dive Chronograph watch and/or its accompanying instruction booklet with the '688 Patent.

780. Because the '688 Patent expired on August 11, 2009, none of Timex's units of the Dive Chronograph watch manufactured and sold since that date has been covered by the '688 Patent.

781. Timex knows or reasonably should know that each unit of the Dive Chronograph watch it has manufactured and sold since August 11, 2009 was not covered by the '688 Patent.

782. Timex has violated 35 U.S.C. § 292(a) by marking or causing to be marked each unit of the Dive Chronograph watch and/or its accompanying instruction booklet with the '688 Patent since August 11, 2009 for the purpose of deceiving the public.

**COUNT CXXII  
THE '688 PATENT**

**FALSE MARKING OF  
FITNESS TRACKER WATCH**

783. Plaintiff/Relator incorporates the allegations of the foregoing paragraphs as though set forth at length herein.

784. Timex manufactures and sells a product identified as the Fitness Tracker watch, and sells each unit thereof, together with an accompanying instruction booklet, to the general consuming public throughout the United States.

785. Since August 11, 2009, Timex has marked and continues to mark each unit of the Fitness Tracker watch and/or its accompanying instruction booklet with the '688 Patent.

786. Because the '688 Patent expired on August 11, 2009, none of Timex's units of the Fitness Tracker watch manufactured and sold since that date has been covered by the '688 Patent.

787. Timex knows or reasonably should know that each unit of the Fitness Tracker watch it has manufactured and sold since August 11, 2009 was not covered by the '688 Patent.

788. Timex has violated 35 U.S.C. § 292(a) by marking or causing to be marked each unit of the Fitness Tracker watch and/or its accompanying instruction booklet with the '688 Patent since August 11, 2009 for the purpose of deceiving the public.

**COUNT CXXIII  
THE '688 PATENT**

**FALSE MARKING OF  
HANDHELD STOPWATCH**

789. Plaintiff/Relator incorporates the allegations of the foregoing paragraphs as though set forth at length herein.

790. Timex manufactures and sells a product identified as the Handheld Stop, and sells each unit thereof, together with an accompanying instruction booklet, to the general consuming public throughout the United States.

791. Since August 11, 2009, Timex has marked and continues to mark each unit of the Handheld Stopwatch and/or its accompanying instruction booklet with the '688 Patent.

792. Because the '688 Patent expired on August 11, 2009, none of Timex's units of the Handheld Stopwatch manufactured and sold since that date has been covered by the '688 Patent.

793. Timex knows or reasonably should know that each unit of the Handheld Stopwatch it has manufactured and sold since August 11, 2009 was not covered by the '688 Patent.

794. Timex has violated 35 U.S.C. § 292(a) by marking or causing to be marked each unit of the Handheld Stopwatch and/or its accompanying instruction booklet with the '688 Patent since August 11, 2009 for the purpose of deceiving the public.

**COUNT CXXIV  
THE '688 PATENT**

**FALSE MARKING OF  
iCONTROL WATCH**

795. Plaintiff/Relator incorporates the allegations of the foregoing paragraphs as though set forth at length herein.

796. Timex manufactures and sells a product identified as the iControl watch, and sells each unit thereof, together with an accompanying instruction booklet, to the general consuming public throughout the United States.

797. Since August 11, 2009, Timex has marked and continues to mark each unit of the iControl watch and/or its accompanying instruction booklet with the '688 Patent.

798. Because the '688 Patent expired on August 11, 2009, none of Timex's units of the iControl watch manufactured and sold since that date has been covered by the '688 Patent.

799. Timex knows or reasonably should know that each unit of the iControl watch it has manufactured and sold since August 11, 2009 was not covered by the '688 Patent.

800. Timex has violated 35 U.S.C. § 292(a) by marking or causing to be marked each unit of the iControl watch and/or its accompanying instruction booklet with the '688 Patent since August 11, 2009 for the purpose of deceiving the public.

**COUNT CXXV  
THE '688 PATENT**

**FALSE MARKING OF  
IRONMAN DRESS CHRONOGRAPH WATCH**

801. Plaintiff/Relator incorporates the allegations of the foregoing paragraphs as though set forth at length herein.

802. Timex manufactures and sells a product identified as the Ironman Dress Chronograph watch, and sells each unit thereof, together with an accompanying instruction booklet, to the general consuming public throughout the United States.

803. Since August 11, 2009, Timex has marked and continues to mark each unit of the Ironman Dress Chronograph watch and/or its accompanying instruction booklet with the '688 Patent.

804. Because the '688 Patent expired on August 11, 2009, none of Timex's units of the Ironman Dress Chronograph watch manufactured and sold since that date has been covered by the '688 Patent.

805. Timex knows or reasonably should know that each unit of the Ironman Dress Chronograph watch it has manufactured and sold since August 11, 2009 was not covered by the '688 Patent.

806. Timex has violated 35 U.S.C. § 292(a) by marking or causing to be marked each unit of the Ironman Dress Chronograph watch and/or its accompanying instruction booklet with the '688 Patent since August 11, 2009 for the purpose of deceiving the public.

**COUNT CXXVI  
THE '688 PATENT**

**FALSE MARKING OF  
IRONMAN TRIATHLON 10-LAP WATCH**

807. Plaintiff/Relator incorporates the allegations of the foregoing paragraphs as though set forth at length herein.

808. Timex manufactures and sells a product identified as the Ironman Triathlon 10-Lap watch, and sells each unit thereof, together with an accompanying instruction booklet, to the general consuming public throughout the United States.

809. Since August 11, 2009, Timex has marked and continues to mark each unit of the Ironman Triathlon 10-Lap watch and/or its accompanying instruction booklet with the '688 Patent.

810. Because the '688 Patent expired on August 11, 2009, none of Timex's units of the Ironman Triathlon 10-Lap watch manufactured and sold since that date has been covered by the '688 Patent.

811. Timex knows or reasonably should know that each unit of the Ironman Triathlon 10-Lap watch it has manufactured and sold since August 11, 2009 was not covered by the '688 Patent.

812. Timex has violated 35 U.S.C. § 292(a) by marking or causing to be marked each unit of the Ironman Triathlon 10-Lap watch and/or its accompanying instruction booklet with the '688 Patent since August 11, 2009 for the purpose of deceiving the public.

**COUNT CXXVII  
THE '688 PATENT**

**FALSE MARKING OF  
IRONMAN TRIATHLON 150-LAP SLEEK WATCH**

813. Plaintiff/Relator incorporates the allegations of the foregoing paragraphs as though set forth at length herein.

814. Timex manufactures and sells a product identified as the Ironman Triathlon 150-Lap Sleek watch, and sells each unit thereof, together with an accompanying instruction booklet, to the general consuming public throughout the United States.

815. Since August 11, 2009, Timex has marked and continues to mark each unit of the Ironman Triathlon 150-Lap Sleek watch and/or its accompanying instruction booklet with the '688 Patent.

816. Because the '688 Patent expired on August 11, 2009, none of Timex's units of the Ironman Triathlon 150-Lap Sleek watch manufactured and sold since that date has been covered by the '688 Patent.

817. Timex knows or reasonably should know that each unit of the Ironman Triathlon 150-Lap Sleek watch it has manufactured and sold since August 11, 2009 was not covered by the '688 Patent.

818. Timex has violated 35 U.S.C. § 292(a) by marking or causing to be marked each unit of the Ironman Triathlon 150-Lap Sleek watch and/or its accompanying instruction booklet with the '688 Patent since August 11, 2009 for the purpose of deceiving the public.

**COUNT CXXVIII  
THE '688 PATENT**

**FALSE MARKING OF  
IRONMAN TRIATHLON 150-LAP SLEEK  
WITH TAP-SCREEN TECHNOLOGY WATCH**

819. Plaintiff/Relator incorporates the allegations of the foregoing paragraphs as though set forth at length herein.

820. Timex manufactures and sells a product identified as the Ironman Triathlon 150-Lap Sleek with TAP-Screen Technology watch, and sells each unit thereof, together with an accompanying instruction booklet, to the general consuming public throughout the United States.

821. Since August 11, 2009, Timex has marked and continues to mark each unit of the Ironman Triathlon 150-Lap Sleek with TAP-Screen Technology watch and/or its accompanying instruction booklet with the '688 Patent.

822. Because the '688 Patent expired on August 11, 2009, none of Timex's units of the Ironman Triathlon 150-Lap Sleek with TAP-Screen Technology watch manufactured and sold since that date has been covered by the '688 Patent.

823. Timex knows or reasonably should know that each unit of the Ironman Triathlon 150-Lap Sleek with TAP-Screen Technology watch it has manufactured and sold since August 11, 2009 was not covered by the '688 Patent.

824. Timex has violated 35 U.S.C. § 292(a) by marking or causing to be marked each unit of the Ironman Triathlon 150-Lap Sleek with TAP-Screen Technology watch and/or its accompanying instruction booklet with the '688 Patent since August 11, 2009 for the purpose of deceiving the public.

**COUNT CXXIX  
THE '688 PATENT**

**FALSE MARKING OF  
IRONMAN TRIATHLON 30-LAP WATCH**

825. Plaintiff/Relator incorporates the allegations of the foregoing paragraphs as though set forth at length herein.

826. Timex manufactures and sells a product identified as the Ironman Triathlon 30-Lap watch, and sells each unit thereof, together with an accompanying instruction booklet, to the general consuming public throughout the United States.

827. Since August 11, 2009, Timex has marked and continues to mark each unit of the Ironman Triathlon 30-Lap watch and/or its accompanying instruction booklet with the '688 Patent.

828. Because the '688 Patent expired on August 11, 2009, none of Timex's units of the Ironman Triathlon 30-Lap watch manufactured and sold since that date has been covered by the '688 Patent.

829. Timex knows or reasonably should know that each unit of the Ironman Triathlon 30-Lap watch it has manufactured and sold since August 11, 2009 was not covered by the '688 Patent.

830. Timex has violated 35 U.S.C. § 292(a) by marking or causing to be marked each unit of the Ironman Triathlon 30-Lap watch and/or its accompanying instruction booklet with the '688 Patent since August 11, 2009 for the purpose of deceiving the public.

**COUNT CXXX  
THE '688 PATENT**

**FALSE MARKING OF  
IRONMAN TRIATHLON 30-LAP WITH FLIX WATCH**

831. Plaintiff/Relator incorporates the allegations of the foregoing paragraphs as though set forth at length herein.

832. Timex manufactures and sells a product identified as the Ironman Triathlon 30-Lap With FLIX watch, and sells each unit thereof, together with an accompanying instruction booklet, to the general consuming public throughout the United States.

833. Since August 11, 2009, Timex has marked and continues to mark each unit of the Ironman Triathlon 30-Lap With FLIX watch and/or its accompanying instruction booklet with the '688 Patent.

834. Because the '688 Patent expired on August 11, 2009, none of Timex's units of the Ironman Triathlon 30-Lap With FLIX watch manufactured and sold since that date has been covered by the '688 Patent.

835. Timex knows or reasonably should know that each unit of the Ironman Triathlon 30-Lap With FLIX watch it has manufactured and sold since August 11, 2009 was not covered by the '688 Patent.

836. Timex has violated 35 U.S.C. § 292(a) by marking or causing to be marked each unit of the Ironman Triathlon 30-Lap With FLIX watch and/or its accompanying instruction booklet with the '688 Patent since August 11, 2009 for the purpose of deceiving the public.

**COUNT CXXXI  
THE '688 PATENT**

**FALSE MARKING OF  
IRONMAN TRIATHLON 50-LAP WATCH**

837. Plaintiff/Relator incorporates the allegations of the foregoing paragraphs as though set forth at length herein.

838. Timex manufactures and sells a product identified as the Ironman Triathlon 50-Lap watch, and sells each unit thereof, together with an accompanying instruction booklet, to the general consuming public throughout the United States.

839. Since August 11, 2009, Timex has marked and continues to mark each unit of the Ironman Triathlon 50-Lap watch and/or its accompanying instruction booklet with the '688 Patent.

840. Because the '688 Patent expired on August 11, 2009, none of Timex's units of the Ironman Triathlon 50-Lap watch manufactured and sold since that date has been covered by the '688 Patent.

841. Timex knows or reasonably should know that each unit of the Ironman Triathlon 50-Lap watch it has manufactured and sold since August 11, 2009 was not covered by the '688 Patent.

842. Timex has violated 35 U.S.C. § 292(a) by marking or causing to be marked each unit of the Ironman Triathlon 50-Lap watch and/or its accompanying instruction booklet with the '688 Patent since August 11, 2009 for the purpose of deceiving the public.

**COUNT CXXXII  
THE '688 PATENT**

**FALSE MARKING OF  
IRONMAN TRIATHLON 50-LAP SLEEK WATCH**

843. Plaintiff/Relator incorporates the allegations of the foregoing paragraphs as though set forth at length herein.

844. Timex manufactures and sells a product identified as the Ironman Triathlon 50-Lap Sleek watch, and sells each unit thereof, together with an accompanying instruction booklet, to the general consuming public throughout the United States.

845. Since August 11, 2009, Timex has marked and continues to mark each unit of the Ironman Triathlon 50-Lap Sleek watch and/or its accompanying instruction booklet with the '688 Patent.

846. Because the '688 Patent expired on August 11, 2009, none of Timex's units of the Ironman Triathlon 50-Lap Sleek watch manufactured and sold since that date has been covered by the '688 Patent.

847. Timex knows or reasonably should know that each unit of the Ironman Triathlon 50-Lap Sleek watch it has manufactured and sold since August 11, 2009 was not covered by the '688 Patent.

848. Timex has violated 35 U.S.C. § 292(a) by marking or causing to be marked each unit of the Ironman Triathlon 50-Lap Sleek watch and/or its accompanying instruction booklet with the '688 Patent since August 11, 2009 for the purpose of deceiving the public.

**COUNT CXXXIII  
THE '688 PATENT**

**FALSE MARKING OF  
IRONMAN TRIATHLON 50-LAP SOLAR SHOCK WATCH**

849. Plaintiff/Relator incorporates the allegations of the foregoing paragraphs as though set forth at length herein.

850. Timex manufactures and sells a product identified as the Ironman Triathlon 50-Lap Solar Shock watch, and sells each unit thereof, together with an accompanying instruction booklet, to the general consuming public throughout the United States.

851. Since August 11, 2009, Timex has marked and continues to mark each unit of the Ironman Triathlon 50-Lap Solar Shock watch and/or its accompanying instruction booklet with the '688 Patent.

852. Because the '688 Patent expired on August 11, 2009, none of Timex's units of the Ironman Triathlon 50-Lap Solar Shock watch manufactured and sold since that date has been covered by the '688 Patent.

853. Timex knows or reasonably should know that each unit of the Ironman Triathlon 50-Lap Solar Shock watch it has manufactured and sold since August 11, 2009 was not covered by the '688 Patent.

854. Timex has violated 35 U.S.C. § 292(a) by marking or causing to be marked each unit of the Ironman Triathlon 50-Lap Solar Shock watch and/or its accompanying instruction booklet with the '688 Patent since August 11, 2009 for the purpose of deceiving the public.

**COUNT CXXXIV  
THE '688 PATENT**

**FALSE MARKING OF  
IRONMAN TRIATHLON 75-LAP SLEEK (OVA) WATCH**

855. Plaintiff/Relator incorporates the allegations of the foregoing paragraphs as though set forth at length herein.

856. Timex manufactures and sells a product identified as the Ironman Triathlon 75-Lap Sleek (OVA) watch, and sells each unit thereof, together with an accompanying instruction booklet, to the general consuming public throughout the United States.

857. Since August 11, 2009, Timex has marked and continues to mark each unit of the Ironman Triathlon 75-Lap Sleek (OVA) watch and/or its accompanying instruction booklet with the '688 Patent.

858. Because the '688 Patent expired on August 11, 2009, none of Timex's units of the Ironman Triathlon 75-Lap Sleek (OVA) watch manufactured and sold since that date has been covered by the '688 Patent.

859. Timex knows or reasonably should know that each unit of the Ironman Triathlon 75-Lap Sleek (OVA) watch it has manufactured and sold since August 11, 2009 was not covered by the '688 Patent.

860. Timex has violated 35 U.S.C. § 292(a) by marking or causing to be marked each unit of the Ironman Triathlon 75-Lap Sleek (OVA) watch and/or its accompanying instruction booklet with the '688 Patent since August 11, 2009 for the purpose of deceiving the public.

**COUNT CXXXV  
THE '688 PATENT**

**FALSE MARKING OF  
RUGGED FIELD AND TRAIL SERIES CHRONOGRAPH WATCH**

861. Plaintiff/Relator incorporates the allegations of the foregoing paragraphs as though set forth at length herein.

862. Timex manufactures and sells a product identified as the Rugged Field and Trail Series Chronograph watch, and sells each unit thereof, together with an accompanying instruction booklet, to the general consuming public throughout the United States.

863. Since August 11, 2009, Timex has marked and continues to mark each unit of the Rugged Field and Trail Series Chronograph watch and/or its accompanying instruction booklet with the '688 Patent.

864. Because the '688 Patent expired on August 11, 2009, none of Timex's units of the Rugged Field and Trail Series Chronograph watch manufactured and sold since that date has been covered by the '688 Patent.

865. Timex knows or reasonably should know that each unit of the Rugged Field and Trail Series Chronograph watch it has manufactured and sold since August 11, 2009 was not covered by the '688 Patent.

866. Timex has violated 35 U.S.C. § 292(a) by marking or causing to be marked each unit of the Rugged Field and Trail Series Chronograph watch and/or its accompanying instruction booklet with the '688 Patent since August 11, 2009 for the purpose of deceiving the public.

**PENALTY**

867. Each marking by Timex of the '096 Patent, the '964 Patent, and the '688 Patent on each article of the products identified herein and/or its accompanying instruction booklet constitutes an individual false marking offense that has injured and continues to injure the sovereign interests of the United States of America as well as the public interest, and has discouraged or deterred and continues to discourage or deter honest competition and innovation in competing products.

868. Each use in advertising by Timex of the '096 Patent, the '964 Patent, and the '688 Patent in connection with each article of the products identified herein constitutes a false marking offense that has injured and continues to injure the sovereign interest of the United States of America as well as the public interest, and has discouraged or deterred and continues to discourage or deter honest competition and innovation in competing products.

**PRAYER FOR RELIEF**

WHEREFORE, Plaintiff/Relator Hollander respectfully requests that this Court:

- a. Find that Timex's manufacture, advertising, and sale of products with false patent markings or false patent assertions violate 35 U.S.C. §292(a);
- b. Enter judgment against Timex and in favor of Hollander;
- c. Determine an appropriate fine, of not more than \$500 per offense, but sufficient to penalize Timex's violations of § 292(a) and to deter Timex and others similarly situated from violating § 292(a) in the future, for each offense of false marking, one-half of which shall be for the use of the United States of America and the other half of which shall go to Hollander;

- d. Award Hollander the costs incurred in this litigation;
- e. Determine that the present case is exceptional under 35 U.S.C. § 285 and, based on such determination, award Hollander his reasonable attorney fees; and
- f. Grant Hollander such other and further relief as this Honorable Court shall deem just and equitable.

**REQUEST FOR JURY TRIAL**

Pursuant to Fed. R. Civ. P. 38(b)(1), Hollander hereby demands a jury trial on all issues so triable.

Dated: January 29, 2010

Respectfully submitted,



BY: 

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*Attorneys for Plaintiff/Relator  
Bentley A. Hollander*